

Best Available Copy, 09.02.05



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/199.655

Applicant

MATHIES, ET AL.

Filed

NOVEMBER 25, 1998

Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

1743

Examiner

WARDEN, JILL ALICE

Atty Docket No.

AFFY-0019-8

Express Mail

ED 897952397

Mail Stop Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The below-identified communication(s) is (are) submitted in the abovecaptioned application or proceeding:

×

Letter to the Office of Petitions including Attachments 1 through 8

- 1. Notice of Abandonment mailed August 22, 2002.
- 2. Petition to Revive and RCE filed January 23, 2003.
- 3. Dismissal of Petition to Revive mailed June 13, 2003.
- 4. Renewed Petition to Revive filed October 14, 2003.
- 5. Facsimile of February 3, 2004 to Latrice Bond providing a Letter to the Office of Petitions summarizing events to that date, along with a copy of the previously submitted Request for Renewed Petition filed on October 14, 2003, which was not entered into the record of this application.
- 6. A copy of the Status Inquiry mailed May 6, 2004.
- 7. A copy of facsimile to John Gillon sent on June 30, 2004.
- 8. Status Inquiry Filed January 27, 2005

 \boxtimes

Application Fee Transmittal

X

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, including fees under 37 C.F.R. §§ 1.16 and 1.17 or credit any overpayment to Deposit Account Number 10-0233-AFFY-0019-8.

Respectfully submitted,

Michael G. Verga

Registration Number 39.410

"Express Mail" label no. ED 897952397

Date of Deposit September 1, 2005

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed Commissioner for Patents, Alexandria,

Typed Name: Kimberly W. Vance

JAGTIANI + GUTTAG Democracy Square Business Center

10363-A Democracy Lane Fairfax, Virginia 22030 (703) 591-2664

September 1, 2005

Patent Fee Transmittal for FY 2005 for FY 2005 Applicate laims Small Entity Status 37 C.F.R. 1.27

TOTAL AMOUNT OF PAYMENT

\$420.00

Application Number Filing Date Named Inventor Examiner Name Art Unit

Attorney Docket No.

09/199,655 25-Nov-98 MATHIES, et al. WARDEN, Jill Alice 1743 AFFY-0019-8

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Telephone

703.591.2664

Signature

For the above-identified deposit account, the Director is hereby authorized to:

To charge any additional fees which may be required under 37 CFR 1.16, 1.17, 1.18, 1.20 and 1.492 or credit any overpayment to the

To charge the above-identified fee.

deposit account number listed above.

703.591.5907

September 1, 2005

Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

: 09/199.655

Applicant

MATHIES, ET AL.

Filed

NOVEMBER 25, 1998

Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit ,

1743

Examiner

: WARDEN, JILL ALICE

Atty Docket No.

AFFY-0019-8 (FORMERLY 104464-0002CPA)

Mail Stop Petitions P.O. Box 1450

Alexandria, VA 22313-1450

LETTER TO OFFICE OF PETITIONS

Sir:

To facilitate processing of this now fourth submission of the noted Renewed Petition, Applicant offers the following summary of events which have occurred to date:

• August 22, 2002

Notice of Abandonment mailed. (Attachment 1)

• January 23, 2003

Petition to Revive and RCE filed. (Attachment 2)

• June 13, 2003

Petition to Revive was dismissed due to lack of substantive response.

(Attachment 3)

First Submittal of Renewed Petition

• October 14, 2003

Filed Renewed Petition to Revive (w/Two-Month Extension of Time)

(Attachment 4)

• February 2, 2004

Ms. Joyce Hanline of this office telephoned Ms. Latrice Bond, Paralegal

Specialist at the Office of Petitions to determine the status of the October 14, 2003 filing. Ms. Bond indicated that there was no record of the October 14th

filing and suggested that a copy be faxed to the Office of Petitions.

• Note:

Subsequent investigation revealed that USPS likely did not deliver first submission due to (1) date-stamped post card was not returned;

and (2) check paying fee for extension of time was not cashed.

Second Submittal of Renewed Petition

February 3, 2004

Renewed Petition to Revive faxed to Ms. Bond of Office of Petitions.

(Attachment 5)

Ms. Bond confirmed receipt.

May 6, 2004

A Status Inquiry was filed. (Attachment 6)

(Note: No reply to this status inquire was ever received.)

• June 30, 2004

Undersigned placed call to Mr. John Gillon of Office of Petitions

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requesting status of Renewed Petition.

(Note: Mr. Gillon was called because the undersigned communicated with Mr. Gillon on another matter in the past and recalled Mr. Gillon as being responsive and knowledgeable.)

Mr. Gillon indicated that the lack of response was likely caused by the fact that in February of 2004 Ms. Bond left on extended medical leave. Concerned that the second submittal may not have been entered by Ms. Bond prior to her departure, Mr. Gillon suggested we send to him a copy of the second submission via facsimile to his attention.

Third Submittal of Renewed Petition

June 30, 2004 A copy of prior communications was forwarded via facsimile to John
 Gillon. Mr. Gillon acknowledged receipt of the documents in a

subsequent phone conversation with the undersigned. (Attachment 7)

• Fall, 2004 Undersigned placed a number of calls to. Mr. Gillon to follow up on the

second submission. Mr. Gillon informed the undersigned that he would not personally address the petition due to a new procedure implemented in the Office of Petitions regarding the assignment of work. Unfortunately, Mr. Gillon was unable to provide the undersigned with the name of the person assigned to address the petition, either due to the fact that it was not yet assigned (it was a newly implemented procedure) or because of the fact that the Office of Petitions was preparing for, or in the wake of, moving to a new facility.

• January 27, 2005 A status inquiry was filed. (Attachment 8) (Note: A reply to this status inquiry was every received.)

June 20, 2005 Kimberly Vance of this office spoke with John Gillon regarding this matter. He suggested refilling the petition with a history of the application and proof of October 14, 2003 filing.

• June 22, 2005 Kimberly Vance again contacted the Office of Petitions, at the client's request, to determine whether a different approach should be taken to have the renewed petition addressed. The phone contact for a supervisor, Mr. Pearson, was provided.

• June/July 2005 The undersigned left voice mail messages for Mr. Pearson on a number of occasions. A return call was never received.

• August 23, 2005 The undersigned attempted to contact Mr. Pearson and spoke to a Ms. Carol Bidwellwho was temporarily assuming the responsibilities of Mr. Pearson. Ms. Bidwell was very accommodating, spending considerable time listening toan oration of the above history, and searching the PTO electronic systems for information. Ultimately, Ms. Bidwell indicated that there is no physical file to review, and recommended re-filing via Express Mail the renewed petition with a summary of the history. She also

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September 1, 2005

recommended that we follow up with either Randy Green or Ira Lazarus (the two supervisors in the Office of Petitions) to verify the petition was properly assigned and will be addressed.

Fourth Submittal of Renewed Petition

Sept. 1, 2005 Applicants hereby submit, for the fourth time, the Renewed Petition.

As the original check in the amount of \$420.00 included in the October 14th filing was also not received, the Commissioner is hereby authorized to charge \$420.00 to Deposit Account Number 10-0233 AFFY-0019-8. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 10-0233 pursuant to 37 CFR 1.25. Additionally, please charge any fees to Deposit Account 10-0233 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed. If extensions of time are necessary to allow consideration of this paper, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefore, including fees for net addition of claims, are hereby authorized to be charged to Deposit Account No. 10-0233.

Your prompt attention to this Renewed Petition to Revive is respectfully requested.

Respectfully submitted,

-Michael G. Verga

Registration No. 39,410

JAGTIANI + GUTTAG

Democracy Square Business Center 10363-A Democracy Lane Fairfax, Virginia 22030 (703) 591-2664

September 1, 2005



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.cov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/199,655	11/25/1998	RICHARD A. MATHIES	71180-024827	3941		
7	590 08/22/2002					
	MADISON & SUTRO		EXAMI	NER		
	IGUEROA STREET SUIT S, CA 900175443	TE 1200	BEX, PATRICIA K			
			ART UNIT	PAPER NUMBER		
			1743			
	•		DATE MAILED: 08/22/2002			

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
PILLSBURY WINTHROP LLP/LA

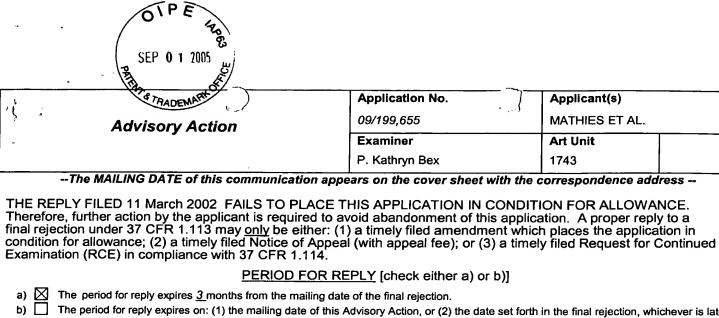
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ATTY(S) AFFYMETRIX - JBG/SDL

DUE: 100 . 22, 2002 - (3 MOS)

DKT BY (1) M SG (2)



The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. The proposed amendment(s) will not be entered because: (a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) they raise the issue of new matter (see Note below); (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. 3. Applicant's reply has overcome the following rejection(s): 4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: NONE. Claim(s) objected to: 1-3, 6, 9-13. Claim(s) rejected: _____. Claim(s) withdrawn from consideration: _____. 8. The proposed drawing correction filed on ____ is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____. 10. ☐ Other: See Continuation Sheet

Continuation Sheet (PTO-303)

Application No. 009/199,655

Proposed amendment to claim 1, does overcome the cited prior art. However, the amendment raises new issues that would require further consideration and/or search. Examiner did not indicate that proposed changes to claim 1 would be entered in an after-final amendment, see interview summary, paper no. 19. Additionally, the proposed amendment to claim 1 does not place the application in better form for appeal by materialy reducing the issues for appeal, for example: line 17 now recites "in either the first container of the second container" and "a second capillary tube" on last line lacks antecedent basis.

Continuation of 10. Other: Newly found Hormann et al reference (USP 6,258,323 B1) do teach a first container 4 encased in a housing 2 wherein a pressure altering device 114 applies a pressure differential that causes liquid contained in the first container 4 to be transferred through a first capillary 100 to containers 110 A-B and a second capillary tube extending into container 4 and terminating at a waste container 126 (Fig. 8).

/Jill Warden
Supervisory Patent Examiner
Technology Center 1700



	Application No.	Applicant(s)
Notice of Abandonment	09/199,655	MATHIES ET AL.
Notice of Abandonment	Examiner	Art Unit
	P. Kathryn Bex	1743
The MAILING DATE of this communication app	ears on the cover sheet with the co	orrespondence address
This application is abandoned in view of:		
 Applicant's failure to timely file a proper reply to the Office (a) ☐ A reply was received on (with a Certificate of M period for reply (including a total extension of time of 	ailing or Transmission dated) month(s)) which expired on	·
(b) \(\int \) A proposed reply was received on \(\frac{3/11/02}{1.02} \), but it does rejection.	not constitute a proper reply under 3	37 CFR 1.113 (a) to the final
(A proper reply under 37 CFR 1.113 to a final rejection application in condition for allowance; (2) a timely filed Continued Examination (RCE) in compliance with 37 C	Notice of Appeal (with appeal fee); o	
(c) ☐ A reply was received on but it does not constitu final rejection. See 37 CFR 1.85(a) and 1.111. (See e		npt at a proper reply, to the non-
(d) No reply has been received.		
2. Applicant's failure to timely pay the required issue fee and from the mailing date of the Notice of Allowance (PTOL-85		he statutory period of three months
(a) The issue fee and publication fee, if applicable, was, which is after the expiration of the statutory pe Allowance (PTOL-85).	received on (with a Certification for payment of the issue fee (and	te of Mailing or Transmission dated d publication fee) set in the Notice of
(b) ☐ The submitted fee of \$ is insufficient. A balance	of \$ is due.	
The issue fee required by 37 CFR 1.18 is \$ The issue fee required by 37 CFR 1.18 is \$	he publication fee, if required by 37 C	CFR 1.18(d), is \$
(c) ☐ The issue fee and publication fee, if applicable, has not	been received.	
3. Applicant's failure to timely file corrected drawings as requi Allowability (PTO-37).	red by, and within the three-month pe	eriod set in, the Notice of
(a) Proposed corrected drawings were received on after the expiration of the period for reply.	(with a Certificate of Mailing or Trans	mission dated), which is
(b) ☐ No corrected drawings have been received.		
 The letter of express abandonment which is signed by the the applicants. 	attorney or agent of record, the assig	nee of the entire interest; or all of
 The letter of express abandonment which is signed by an a 1.34(a)) upon the filing of a continuing application. 	attorney or agent (acting in a represe	ntative capacity under 37 CFR
 The decision by the Board of Patent Appeals and Interference of the decision has expired and there are no allowed claims 		the period for seeking court review
7. The reason(s) below:		
	A. S. C.	Warden Warden
	Supervisor Technok	y Patent Examiner ogy Center 1700

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

I.S. Patent and Trademark Office

TO-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 21

7.



Atty Docket No.: 104464-0002

Inventor: Richard A. Mathies, et al.

Filing Date: February 28, 2001 09/199,655-Conf. #3941 Application No.:

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM Title:

Documents Filed:

Petition to Revive Application Unintentionally Abandoned (2 pages)

Fee Transmittal (1 page)

Transmittal (1 page)

Request for Continued Examination (1 page)

Check in the amount of \$750.00 covering the Request for Continued Examination Fee

Check in the amount of \$1,300.00 covering the Petition to Revive fee

Via: First Class Mail

Sender's Initials: MGV/mdf Revocation of Power of Attorney (1 page) Power of Attorney (1 page)

Statement Under 37 CFR 3.73(b) (1 page)

Letter to Examiner (1 page)

Change of Correspondence Address (1 page) PTO SB-122 (1 page)

Date: January 23, 2003

Please type a plus sign in the this box PAPENDE Paperwork Reduction Act of TRANSMITT FORM (to be used for all correspondence after	AL		pro/s8/21 (08-00 pproved for use through 10/31/2002. OMB 0651-003 demark Office: U.S. DEPARTMENT OF COMMERCE information unless it displays a valid OMB control number 09/199,655 February 28, 2001 Richard A. Mathies 1743 P. Bex
Total Number of Pages in This Submiss	sion 1	Attorney Docket Numb	
		URES (check all	
x Fee Transmittal Form x Fee Attached Amendment/Reply After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53	Assignment F (for an Application) Drawing(s) Licensing-relation Terminal Discommoder of Attor Change of Core Request for F CD, Number of Remarks	Papers pated Papers revive Unintentionally population revert to a Provisional respondence Address relaimer Refund of CD(s)	After Allowance Communication to Group Appeal Communication to Board of Appeals and Interferences Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter X Other Enclosure(s) (please identify below) Request for Continued Examination; Formality Letter to Examiner; PTO SB-122; and Return Postcard
T I		NT, ATTORNEY, OR A	SENI
Firm or Individual Name Signature Date NUTTER INCCLENT Michael G Verga January 23, 2003	NEN & FISH LLF		
	, Trans	smittal)	

Transmittal I hereby certify that this correspondence is being deposited with the 1/3 Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Box DAC, Commissioner for Patental Washington, DC 20231, on the date shown below.
Dated: January 23, 2003 Signature: (Michael D. Feiler)

PTO/SB/17 (10-02)

Approved for use through 10/31/2002. OMB 0651-0032 Inder the Papery Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Complete if Known RANSMITTAL 09/199,655-Conf. #3941 Application Number February 28, 2001 for FY 2003 Filing Date First Named Inventor Richard A. Mathies Patent fees are subject to annual revision. **Examiner Name** P. Bex Applicant claims small entity status. See 37 CFR 1.27 1743 Group Art Unit TOTAL AMOUNT OF PAYMENT 104464-0002 (\$) 2.050.00 Attorney Docket No. METHOD OF PAYMENT (check all that apply) FEE CALCULATION (continued) X Check 3. ADDITIONAL FEES Deposit Account Large Entity Small Entity Deposit 141449 Fee Code Fee Fee Description (\$) Number Code (\$) Fee Paid Deposit 1051 130 2051 65 Surcharge - late filing fee or oath Nutter McClennen & Fish LLP Account Name Surcharge - late provisional filing fee or cover 1052 50 2052 25 The Commissioner is hereby authorized to: (check all that apply) sheet Charge fee(s) indicated below X Credit any overpayments 1053 130 1053 130 Non-English specification Charge any additional fee(s) during the pendency of this Х 1812 2.520 1812 2,520 For filing a request for ex parte reexamination Requesting publication of SIR prior to 9201 Charge fee(s) indicated below, except for the filing fee 1804 920 1804 Examiner action Requesting publication of SIR after to the above-identified deposit account. 1805 1,840 1805 Examiner action FEE CALCULATION 2251 1251 110 55 Extension for reply within first month 1. BASIC FILING FEE 1252 400 2252 Extension for reply within second month Large Entity Small Entity 1253 920 2253 Extension for reply within third month 460 Fee Fee Description 1254 2254 Extension for reply within fourth month Code (\$) (\$) Code Fee Paid 1001 740 2001 Utility filing fee 370 1255 1.960 2255 980 Extension for reply within fifth month 1002 330 2002 165 Design filing fee 1401 320 2401 160 Notice of Appeal 1003 510 2003 255 Plant filing fee 1402 320 2402 Filing a brief in support of an appeal 1004 740 2004 370 Reissue filing fee Request for oral hearing 1403 280 2403 140 1005 160 2005 Provisional filing fee 1451 1,510 1451 1,510 Petition to institute a public use proceeding 110 1452 2452 55 Petition to revive - unavoidable SUBTOTAL (1) (\$) 0.00 1453 1.280 2453 640 Petition to revive - unintentional 1,300.00 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE 1501 1.280 2501 640 Utility issue fee (or reissue) Extra Fee from 1502 460 2502 230 Design issue fee Claims below Fee Paid Total Claims 1503 620 2503 310 Plant issue fee Independent 1460 130 1460 Petitions to the Commissioner Claims Multiple Dependent 1807 50 1807 50 Processing fee under 37 CFR 1 17(a) 1806 180 1806 180 Submission of Information Disclosure Stmt Large Entity Small Entity Fee (\$) Fee Code Fea (\$) Recording each patent assignment per Fee Description 8021 40 Code 8021 40 property (times number of properties) 1202 18 2202 9 Claims in excess of 20 Filing a submission after final rejection 1809 740 2809 370 (37 CFR 1.129(a)) 1201 84 2201 42 Independent claims in excess of 3 For each additional invention to be 1810 740 2810 370 1203 280 2203 140 Multiple dependent claim, if not paid examined (37CFR 1.129(b)) 1204 84 2204 42 Reissue independent claims 1801 740 2801 Request for Continued Examination (RCE) 370 750.00 over original patent Request for expedited examination 1802 900 900 1802 1205 18 2205 Reissue claims in excess of 20 of a design application and over original patent Other fee (specify) SUBTOTAL (2) (\$) 0.00 *Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 2,050.00 **or number previously paid, if greater; For Reissues, see above SUBMITTED BY Complete (if applicable) Name (Print/Type) Mich Registration No. 39,410 Telephone (617) 439-2871 (Attorney/Agent) Signature Date January 23, 2003

I hereby certify that this of an envelope addressed t	Fee Transmittal orrespondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in D.
Dated: January 23, 2003	Signature: (Michael D. Feiler)

Nutter, McClennen & Fish, LLP

World Trade Center West 155 Seaport Boulevard Boston, MA 02210-2604 , Date:

January 23, 20

Citizens Bank

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Pay: One thousand three hundred and 00/100*****

\$ 1,300.00

PAY TO THE ORDER OF:

Commissioner of Patents and Trademarks

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Invoice Num	!	Invoice Date	Invoi	ce Amount	Amount Paid	Discount Taken	Payment Amt
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	Disb Date	Client	<u>Matter</u>	<u>Disb</u>	Description		Amount
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Michael F.

Nutter, McClennen & Fish, LLP

World Trade Center West 155 Seaport Boulevard Boston, MA 02210-2604

Date:

January 23, 200

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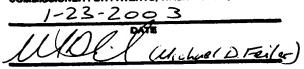
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<u>Invoice Nu</u> 01-23-2003		<u>Invoice Date</u> 1/23/2003	Invo	sice Amount \$750.00	Amount Paid \$750.00	Discount Taken \$0.00	<u>Payment Am</u> t \$750.00
	<u>Disb Date</u> 1/23/2003	<u>Client</u> 0104464	<u>Matter</u> 00002	<u>Disb</u> FILFEE	<u>Description</u> Filing Fee		<u>Amount</u> \$750.00
		Totals:		\$750.00	\$750.00	\$0.00	\$750.00



Michael F.

HEREBY CERTIFY THAT THIS CORRESPONDENCE IS DEF WITH THE UNITED STATES POSTAL SERVICE AS FIRS ASMAIL IN AN ENVELOPE ADDRESSED TO: ASSA...ANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231





Docket No.: 104464-0002

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Richard A. Mathies, et al

Application No.: 09/199,655

Group Art Unit: 1743

Filed: November 25, 1998

Examiner: P. Bex

For: MICROPLATE SAMPLE AND REAGENT

LOADING SYSTEM

LETTER TO THE EXAMINER

Examiner Bex Commissioner for Patents Washington, DC 20231

Dear Examiner Bex:

This paper is being filed with a Petition to Revive an unintentionally abandoned application and request for continued examination (RCE) application. Also filed with this paper is a revocation of all previous powers of attorney and appointment of new practitioners, including the undersigned, to prosecute the captioned application on behalf of the assignee of record, Affymetrix, Inc.

Due to the complexities in the prosecution of the parent application, the undersigned requests that the examiner contact the undersigned prior to examining the RCE application to arrange a time at which a substantive interview on the merits can be conducted. The undersigned will then file a Preliminary Amendment for examination.

Dated: January 23, 2003

Respectfully submitted,

Michael G. Verga Registration No.: 39,410

NUTTER MCCLENNEN & FISH LLP

World Trade Center West 155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2871

Attorneys for Applicant



Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995. no persons are required to respond to a collection of information unless it displays a valid OMB control number. PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) PTO/SB/64 (10-01) Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995. no persons are required to respond to a collection of information unless it displays a valid OMB control number. Docket Number (Optional) 104464-0002

ONINTENTIONALET GIBERGY OF R 1.107(b)	
First named inventor: Richard A. Mathies	
Application No: 09/199,655-Conf. #3941	Art Unit: 1743
Filed: February 28, 2001 Title: MICROPLATE SAMPLE AND REAGENT LOADING	Examiner: P. Bex G SYSTEM
Attention: Office of Petitions Box DAC Commissioner for Patents Washington, DC 20231	
NOTE: If information or assistance is needed in completing this formation at (703) 305-9282.	orm, please contact Petitions
The above-identified application became abandoned for failure to by the United States Patent and Trademark Office. The date of all of the period set for reply in the Office notice or action plus any ex	bandonment is the day after the expiration date
APPLICANT HEREBY PETITIONS FOR REVIV	VAL OF THIS APPLICATION
 NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for before June 8, 1995, and for all design applications; (4) Statement that the entire delay was unintentional. 	• • •
Petition fee	
Small entity – fee \$ (37 CFR 1.17(m)) See 37 CFR 1.27.). Applicant claims small entity status.
X Other than small entity – fee \$1,300.00 (37 CF)	R 1.17(m))
2. Reply and/or fee	
A. The reply and/or fee to the above-noted Office action in the of Request for Continuing Examination	
has been filed previously on	<u> </u>
x is enclosed herewith.	
B. The issue fee of \$	
has been paid previously on	<u> </u>
is enclosed herewith.	
Petition to Revive Application Unintent I hereby certify that this correspondence is being deposited with the U.S. Posta an envelope addressed to: Box DAC, Commissioner for Patents, Washington	tionally Abandoned al Service with sufficient postage as First Class Mail, in
Dated: January 23, 2003 Signature:	(Michael D. Feiler)

PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0551-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

3. Terminal disclaimer with disclaimer fee Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required. X A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63). STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))]. January 23, 2003 Date Michael G. Verga Telephone Typed or printed name (617) 439-2871 Number: **NUTTER MCCLENNEN & FISH LLP** World Trade Center West 155 Seaport Boulevard Boston, Massachusetts 02210-2604 Address Fee Payment Enclosures: Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: 1174899.1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

SEF 0 1 2005

Dated: January 23, 2003

PTO/SB/30 (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the ADE Mork Reduction Act of 1995, no persons are required to res

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to: Commissioner for Patents Box RCE Washington, DC 20231

spond to a collection of information	n unless it displays a valid OMB control number.
Application Number	09/199,655-Conf. #3941
Filing Date	February 28, 2001
First Named Inventor	Richard A. Mathies
Group Art Unit	1743
Examiner Name	P. Bex
Attorney Docket No.	104464-0002

(Michael D. Feiler)

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

Submission required under 37 CFR 1.114
a. Previously submitted
j. Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on (Any unentered amendment(s) referred to above will be entered).
ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on
iii. Other
b. x Enclosed
i. Amendment/Reply
ii. Affidavit(s)/Declaration(s)
iii. Information Disclosure Statement (IDS)
iv. x Other Letter to Examiner Bex
2. Miscellaneous
a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for
a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
b. Other
3. Fees The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.
a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to
Deposit Account No.
i. x RCE fee required under 37 CFR 1.17(e)
ii. Extension of time fee (37 CFR 1.136 and 1.17)
iii. Other
b. X Check in the amount of \$ 750.00 enclosed
c. Payment by credit card (Form PTO-2038 enclosed)
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED
Name (Print/Type) Michael G. Verga Registration No. (Attorney/Agent) 39,410
Signature Date January 23, 2003
Request for Continuing Examination I hereby certify that this correspondence is being deposited with the U.S. Fostal Service with sufficient postage as First Class Mail, in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, J.C. 20237, on the date shown below.



United States Patent and Trademark Office

SEP 0 1 7005

Commissioner for Patents United States Patent and Trademark Office PO Box 1450 Arllington, VA 22313-1450

Paper No. 30

JUN 1 6 2003

Nutter McClennen & Fish, LLP World Trade Center West 155 Seaport Boulevard Boston, MA 02210-2604

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JUN 1 3 2003

OFFICE OF PETITIONS

In re Application of

Richard A. Mathies et al. Application No. 09/199,655

Filed: November 25, 1998

Attorney Docket No. 104464-0002 PCE

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 29, 2003, to revive the above-identified application. The decision mailed March 24, 2003 is vacated.

The petition is **DISMISSED**.

The application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner in reply to the final Office action mailed November 27, 2001, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on February 28, 2002.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

AUG 13, 2003-REQUESTATION

Docket Department
Reviewed by
Docketedby

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) were filed with the petition to revive on January 29, 2003. The request however, lacks the submission required by 37 CFR 1.114. A submission as used in 37 CFR 1.114 includes, but is not limited to, an information disclosure statement, an amendment to the written descriptions, claims, new arguments, or new evidence in support of patentability. See 37 CFR 1.114(c) and MPEP Section § 706.07(g).

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petitions

PO Box 1450

Arlington, VA 22313-1450

By facsimile:

(703) 308-6916

Attn: Office of Petitions

By hand:

Office of Petitions

2201 South Clark Place Crystal Plaza 4, Suite 3C23

Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

Latrice Bond

Paralegal Specialist Office of Petitions

Office of the Deputy Commissioner

for Patent Examination Policy



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/199,655	11/25/1998	RICHARD A. MATHIES	104464-0002 RCF	3941
21125 7	7590 06/09/2003	·	V V	16V
	CCLENNEN & FISH	LLP	EXAM	INER
155 SEAPORT	DE CENTER WEST BOULEVARD	ECELVER	BEX, PAT	RICIA K
BOSTON, MA	02210-2604		ART UNIT	PAPER NUMBER
		JUN 1 2 2003	1743	
			DATE MAILED: 06/09/2003	
		1		

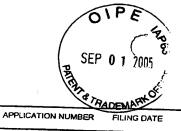
Please find below and/or attached an Office communication concerning this application or proceeding.

Docket Department

Reviewed ______ by_____

Docketed ______ by_____

Retrieved ______ by_____





Commissioner for Patents United States Patent and Trademark Office

Washington, D.C. 20231 www.uspto.gov

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

THE TOTAL THE REGUEST FOR CONTINUED EXAMINATION (RCE)
The request for continued examination (RCE) under 37 CFR 1.114 filed on
1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
3. Continued examination under 37 CFR 1.114 does not apply to an application in which the Office has not mailed at least one of an Office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151.
4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the Office action or notice of allowance continues to run from the mailing date of that action or notice.
7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the Office action or notice of allowance continues to run from the mailing date of that action or notice.
A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to: Examining Group	
(703) 30 5 - (0308	

FORM PTO-2051 (Rev. 5/2000)

Atty Docket No.: 104464-0002CPA

Richard A. Mathies, et al. Inventor:

Filing Date: November 25, 1998 09/199,655-Conf. #3941 Application No.:

Title: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Documents Filed:

Transmittal (1 page), Fee Transmittal, Check # 34373 \$420.00,
Two Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page) (2 K)
Renewed Petition Under 37 C.F.R. 1.137(b) (Z pages)
Response and Amendment (5 pages)
Copies of Previously filed RCE with copy of check \$750.00, Petition to Revive Unitentionally
Abandoned Application with copy of check \$1,300.00, Letter to Examiner

Via: First Class Mail

Sender's Initials: MGV/bjw

1179617

Date: October 14, 2003



Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. **Application Number** 09/199,655-Conf. #3941 Filing Date **TRANSMITTAL** November 25, 1998 First Named Inventor **FORM** Richard A. Mathies Art Unit 1743 (to be used for all correspondence after initial filing) **Examiner Name** P. Bex Attorney Docket Number Total Number of Pages in This Submission 104464-0002RCE ENCLOSURES (Check all that apply) After Allowance Communication x Fee Transmittal Form Drawing(s) to Group Appeal Communication to Board of Fee Attached Licensing-related Papers Appeals and Interferences Renewed Petition Under Appeal Communication to Group x Amendment/Reply 37 CFR 1.137(b) (Appeal Notice, Brief, Reply Brief) Petition to Convert to a After Final Proprietary Information **Provisional Application** Power of Attorney, Revocation Affidavits/declaration(s) Status Letter Change of Correspondence Address Other Enclosure(s) (please x 2-Month Extension of Time Request **Terminal Disclaimer** identify below): 1. Check \$420.00 **Express Abandonment Request** Request for Refund 2. Copies of Previously Filed RCE with copy of check, Petition to Information Disclosure Statement CD, Number of CD(s) Revive with copy of check, Letter to Examiner Certified Copy of Priority Document(s) Remarks Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm **NUTTER MCCLENNEN & FISH LLP** Michael 4. Verga Individual name Signature Date October 14, 2003

I hereby certify that this correspon an envelope addressed to: Mail S shown below.	dence is being deposite top Petitions, Commissi	Transmittal ed with the U.S. Postal Service ioner for Patents, P.O. Box 1	ce with sufficient postage as First Class Mail, in 450, Alexandria, VA 22313-1450, on the date
Dated: October 14, 2003	Signature:	MM	(Michael G. Verga)



FEE TR	ÄN	SI	VIT	TAL
for	FY	20	004	

Effective 10/01/2003, Patent fees are subject to annual revision.

Co	mplete if Known	
Application Number	09/199,655-Conf. #3941	
Filing Date	November 25, 1998	٦
First Named Inventor	Richard A. Mathies	٦
Examiner Name	P. Bex	
Art Unit	1743	1
Attomory Docket No.	104464_0002PCE	

Applicant claims small entity status. See 37 CFR 1.27			Art Unit			1/43	
TOTAL AMOUNT OF PAYMENT (\$) 420.00		Atton	ney Do	cket N	о.	104464-0002RCE	
METHOD OF PAYMENT (check all that apply)				FEE	CALCUL	ATION (continued)	
X Check Credit Money Other None Deposit Account:	3. /	ADDITI	ONAL	FEES	3		
	Large	e Entity	Smal	Entity			
Deposit Account Number	Fee Code	Fee (\$)	Fee	Fee (\$)	_	Fee Description	Fee Paid
Deposit	1051	130	2051	65	Surchame	- late filing fee or oath	
Account Nutter McClennen & Fish LLP			İ		-	- late provisional filing fee or cover	,
The Director is authorized to: (check all that apply)	1052	50	2052	25	sheet.	- tale provisional transplee of cover	
Charge fee(s) indicated below X Credit any overpayments	1053	130	1053	130	Non-Englis	h specification	
Charge any additional fee(s) during the pendency of this application	1812	2,520	1812	2,520	For filing a n	equest for ex parte reexamination	
Charge fee(s) indicated below, except for the filing fee	1804	920*	1804	920*	Examiner a	publication of SIR prior to ction	
to the above-identified deposit account.	1805	1,840*	1805	1,840*	Requesting Examiner a	publication of SIR after	
FEE CALCULATION	1251	110	2251	55	Extension f	or reply within first month	
1. BASIC FILING FEE	1252	420	2252	210	Extension f	or reply within second month	420.00
Large Entity Small Entity	1253	950	2253	475	Extension f	or reply within third month	
Fee Fee Fee Fee Fee Fee Paid Code (\$) Code (\$)	1254	1,480	2254	740	Extension for	or reply within fourth month	
1001 770 2001 385 Utility filing fee	1255	2,010	2255	1,005	Extension f	or reply within fifth month	
1002 340 2002 170 Design filing fee	1401	330	2401	165	Notice of A	ppeal	
1003 530 2003 265 Plant filing fee	1402	330	2402	165	Filing a brie	f in support of an appeal	
1004 770 2004 385 Reissue filing fee	1403	290	2403	145	Request for	oral hearing	
1005 160 2005 80 Provisional filing fee	1451	1,510	1451			nstitute a public use proceeding	
SUBTOTAL (1) (\$) 0.00	1452	110	2452	55		evive – unavoidable	
	1453	1,330	2453			evive - unintentional	
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE Extra Fee from	1501	1,330	2501		-	fee (or reissue)	ļ
Claims below Fee Paid	1502	480	2502	240	Design issu	e fee	
Total Claims20** = x =	1503	640	2503	320	Plant issue	fee	
Independent3** =x =	1460	130	1460	130	Petitions to	the Commissioner	
Multiple Dependent	1807	50	1807	50	Processing 1	fee under 37 CFR 1,17(q)	
Large Entity Small Entity	1806	180	1806	180	Submission	of Information Disclosure Stmt	
Fee Fee Fee Code (\$) Fee Description	8021	40	8021			ach patent assignment per nes number of properties)	
1202 18 2202 9 Claims in excess of 20	1809	770	2809	385		nission after final rejection	
1201 86 2201 43 Independent claims in excess of 3 1203 290 2203 145 Multiple dependent claim, if not paid	1810	770	2810	385	For each ad	ditional invention to be 7CFR 1.129(b))	
1204 86 2204 43 ** Reissue independent claims	1801	770	2801		-	Continued Examination (RCE)	
over original patent 1205 18 2205 9 ** Reissue claims in excess of 20	1802	900	1802		Request for of a design a	expedited examination	
and over original patent	Other fo	l ee (spec	ify)	,	oia design E	iphiremoti	
SUBTOTAL (2) (\$) 0.00		ed by 8	-	na Fee I	Paid	SUBTOTAL (3) (\$)	420.00
**or number previously paid, if greater, For Reissues, see above		o, o	-3re : 114			111 (a) (b)	420.00
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SUBMITTED BY	1				(Complete	(if applicable))
Name (Print/Type)	Michael G. Verga	/	Registration No. (Attorney/Agent)	39,410	Telephone	(617) 439-2000
Signature	MINIMUM				Date	October 14, 2003

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Fee fransmittal

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Dated: October 14, 2003

Signature:

(Michael G. Verga)



Nutter, McClennen & Fish, LL	B		Check No. 34373
World Trade Center West 155 Seaport Boulevard		Date:	Citizens Bank
Boston, MA 02210-2604		October 14, 2003	5-7017
	New York		2110
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TO THE ORDER OF:

Commissioner of Patents and Trademarks



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Commissioner of	of Patents and T	rademarks V	endor ID: 0	001670			Check #:343	
<u>Invoice Nun</u> 10/14/03	1	Invoice Date 10/14/2003	<u>Invo</u>	ice Amount \$420.00	Amount Paid \$420.00	Discount Taken \$0.00	Payment Amt \$420.00	
J	<u>Disb Date</u> 10/14/2003	<u>Client</u> 0104464	<u>Matter</u> 00002	<u>Disb</u> EF	<u>Description</u> Extension Fee		<u>Amount</u> \$420.00	·
		Totals:		\$420.00	\$420.00	\$0.00	\$420.00	

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FEETRANSMITTAL					Com	plete if	Known	
FEE TEANSWILLAL	_	Appl	lication	Numl	er	09/199	,655-Conf. #3941	
for FY 2004		Filing Date				Novem	ber 25, 1998	
		First Named Inventor				Richan	d A. Mathies	·
Effective 10/01/2003, Patent fees are subject to annual revision.		Exar	niner N	ame		P. Bex		
Applicant claims small entity status. See 37 CFR 1.27		Art U	Init			1743		
TOTAL AMOUNT OF PAYMENT (\$) 420.00		Attor	ney Do	cket N	o.	104464	1-0002RCE	•
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1202 18 2202 9 Claims in excess of 20	1809	770	2809	385	Filing a sub	mission afte	er final rejection	
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and over original patent	Other fe		-				L	النييي
**or number previously paid, if greater, For Reissues, see above	*Reduc	ed by B	asic Filir	ng Fee I	Paid	SUBTO	TAL (3) (\$)	420.00
SUBMITTED BY						(Complete	(if applicable))	
Name (Print/Type) Michael G. Verga	Registra		39.4	110		Telephone		
	(Attorney)		139,2			Date		
I Y WWW UVY						Date	October 14, 2003	
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Dated: October 14, 2003

Signature: (Michael G. Verga)

PTO/SB/22 (08-03)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE pond to a collection of information unless if displays a valid OMB control number.

PETITION FOR EXTENSION C	F TIME UNDER	37 CFR 1.13	6(a)	Docket No. (C	Optional) 164-0002RCE		
	In re Applicat	ion of Richa	ırd A. M	athies and Pete	r C. Simpson		
	1 ''	Application Number 09/199,655-Conf. #3941			Filed November 25, 1998		
	For: MICR	OPLATE SAMP	LE AND	REAGENT LO	ADING SYSTEM		
	Art Unit	1743	E	kaminer	P. Bex		
This is a request under the provisio identified application.	ns of 37 CFR 1.13	6(a) to extend t	he perio	d for filing a rep	ly in the above		
The requested extension and appro	priate non-small-	entity fee are as	follows	(check time peri	iod desired):		
One month (37 CFR 1.	17(a)(1))			\$			
X Two months (37 CFR 1	.17(a)(2))			\$	420.00		
Three months (37 CFR 1.17(a)(3))				\$			
Four months (37 CFR 1.17(a)(4))				_\$			
Five months (37 CFR 1.17(a)(5))				\$			
The Director is hereby author overpayment, to Deposit Acc	ount Number	y fees which ma 141449	y be red	quired, or credit	any		
I have enclosed a duplicate of applicant/inventor							
assignee of reco Statement ur	nd of the entire into nder 37 CFR 3.73(t of record. Regist	b) is enclosed.			_		
	under 37 CFR 1.: ber if acting under 3		Na	39,410			
Date			1 100	Signature			
(617) 439-2000 Telephone Number				Michael G. Verg			
NOTE: Signatures of all the inventors or assig than one signature is required, see below	nees of record of the ent	ire interest or their rep	-	•			
Total of1	_ forms are submitt	ed.					
hereby certify that this correspondence is an envelope addressed to: Mail Stop Petitionshown below.	h Request for Extended with the constant of the commissioner to Signature:	the U.S. Postal Ser	vice with:	sufficient postage a	3-1450, on the date		

1264240.1

PTO/SB/22 (08-03)
Approved for use through 7/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION FOR EXTENSION OF) [Docket No. (Optional) 104464-0002RCE							
In re Application of Richard A. Mathies and Peter C. Simpson									
	Application Nu 09/199	mber 9,655-Conf. #3941	Filed November 25, 1998						
	For: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM								
	Art Unit	1743	Exan	niner	P. Bex				
This is a request under the provisions identified application.	of 37 CFR 1.136	6(a) to extend the	period f	or filing a repl	ly in the above				
The requested extension and appropri	ate non-small-e	ntity fee are as fol	lows (ch	eck time peri	od desired):				
One month (37 CFR 1.17)	(a)(1))			\$					
X Two months (37 CFR 1.17	7(a)(2))			\$	420.00				
Three months (37 CFR 1.	17(a)(3))			\$					
Four months (37 CFR 1.1)		\$							
Five months (37 CFR 1.17		\$							
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I am the applicant/inventor.									
assignee of record Statement under	er 37 CFR 3.73(i	b) is enclosed. (F	R 3.71. orm PT(O/SB/96).					
x attorney or agent un Registration number		• •	39),410					
October 14, 2003 Date			//W/	Signature					
(617) 439-2000 Telephone Number		**************************************		chael G. Ver					
NOTE: Signatures of all the inventors or assigned than one signature is required, see below	es of record of the enti	re interest or their repres	•	•					
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Docket No.: 104464-0002

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Richard A. Mathies, et al

Application No.: 09/199,655

Group Art Unit: 1743

Filed: November 25, 1998

Examiner: P. Bex

For: MICROPLATE SAMPLE AND REAGENT

LOADING SYSTEM

RENEWED PETITION TO REVIVE

Office of Petitions
Office of the Deputy Commissioner for Patent Examination Policy
Washington, DC 20231

Dear Sir or Madam::

This is a Renewed Petition to Revive an abandoned application under 37 CFR 1.137(b).

A Petition to Revive an unintentionally abandoned application and request for continued examination (RCE) application was filed on January 23, 2003. The Petition was initially granted.

Applicants included with the above Petition a Letter to the Examiner requesting a substantive interview when the application was returned to the art unit, and prior to examination. The purpose of the interview was to confirm the undersigned representative's understanding of the state of the claims as they currently stood at the time of abandonment. As noted in that Letter, once such understanding was obtained, Applicants were to file a reply to the outstanding office action. However, the noted Petition was later dismissed due to a failure to include such a substantive reply.

Application No.: 09/199,655 Docket No.: 104464-0002CPA

The Office of Petitions informed the undersigned that the filing of this Renewed Petition would be readily granted if accompanied by a substantive response and the requisite petition for extension of time. Such papers are filed herewith along with copies of the initial petition.

Dated: October 14, 2003

Respectfully submitted,

Michael G. Verga

Registration No.: 39,410

NUTTER MCCLENNEN & FISH LLP

World Trade Center West 155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2871

Attorneys for Applicants



ATTNY DOCKET NO. 104464-00002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Mathies et al.

Serial No.:

09/199,655

Filing Date:

November 25, 1998

For:

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Examiner:

P. Bex

Art Unit:

1743

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to: M/S Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 14th day of October, 2003.

Michael G. Verga

RESPOONSE & AMENDMENT

Commissioner for Patents Washington, D.C. 20231

Dear Sir:

Applicant submits the following Response & Amendment in Reply to the Office Action dated November 27, 2001.

It is not believed that extension for time or fees for net addition of claims are required, beyond those which may otherwise be provided for in document accompanying this paper. However, if additional extensions of time are necessary to allow consideration of this paper, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefore, including fees for net addition of claims, are hereby authorized to be charged to our Deposit Account No. 14-1449.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 5 of this paper.

Application No. 09/199,655 Attny Dkt: 104464-00002

AMENDMENTS TO THE CLAIMS

The following listing of claims will replace all prior versions, and listings, of claims in the captioned patent application.

Listing of Claims

- 1-40 (Canceled)
- 41. (New) A liquid-handling system for transferring liquid between a first container and a second container, comprising:
- a plurality of capillary tubes each having a first end positioned in the first container and a second end positioned in or above a receiving reservoir of the second container;
- a pressure housing encasing the first container and configured to cause liquid contained in the first container to be transferred through the capillary tubes to the second container; and
- a liquid stop mechanism disposed adjacent to the second end of the capillary tubes that enables the capillary tubes to be completely filled prior to dispensing the liquid into the receiving reservoir.
- 42. (New) The system of claim 41, wherein said liquid stop mechanism comprises:
 a capillary cooler through which a portion of said capillary tubes extend to define a cold region of the capillary tube.
- 43. (New) The system of claim 42, wherein said capillary cooler comprises one or more of the group consisting of:
 - a Peltier cooling/heating system;
 - a resistive heating system;
 - a cryogenic fluid flow system; and
 - an air flow system.
- 44. (New) The system of claim 42, wherein said liquid stop mechanism comprises:
- a flow system comprising a flow chamber having chamber walls defining an flow cavity through which temperature-controlled cooling fluid or gas flows, wherein said cdold region of said capillary tubes are disposed in said flow cavity.

- 45. (New) The system of claim 44, wherein said cooling fluid or gas comprises at least one of the group consisting of air, water and liquid nitrogen.
- 46. (New) The system of claim 44, wherein said chamber walls are insulated.
- 47. (New) A method for transferring liquid between a first set of reservoirs and a second set of reservoirs via a plurality of capillary tubes each having a first end positioned in a corresponding one of said first set of reservoirs and a second end positioned in or above a corresponding one of said second set of reservoirs, the method comprising:

completely filling said capillary tubes with liquid contained in each said corresponding first set of reservoirs; and

subsequent to said complete filling of all said capillary tubes, dispensing the liquid contained in each of said capillary tubes into said corresponding one of said second set of reservoirs.

48. (New) The method of claim 47, wherein completely filling said capillary tubes comprises:

applying a differential pressure across said capillary tubes sufficient to cause the liquid contained in the corresponding first set of reservoirs to travel through said corresponding capillary tubes;

freezing the liquid in a region of each said capillary tube that is adjacent to said second end of said capillary tubes;

ceasing said application of said differential pressure;

melting said frozen liquid in said region of each said capillary tube; and reapplying said differential pressure to dispense into said corresponding set of second reservoirs said liquid contained in each said capillary tube.

49. (New) The method of claim 48, wherein freezing the liquid in the capillary tubes comprises:

cooling a region of each said capillary tube that is adjacent to said second end of said capillary tube to a temperature below the freezing point of the liquid in said capillary tubes.

50. (New) The method of claim 48, wherein said melting said frozen liquid contained in said region of said capillary tubes comprises:

elevating said temperature in said region of each of said capillary tubes to melt said frozen liquid.

51. (New) The method of claim 47, wherein completely filling said capillary tubes comprises:

filling the liquid contained in each of said first set of reservoirs through each of the capillary tubes;

introducing into each of the capillary tubes a bolus of a fluid having a melting point that is higher than that of the liquid contained in said corresponding first set of reservoirs; and solidifying said bolus in a region of each said capillary tube adjacent said second end of each said capillary tube.

52. (New) The method of claim 51, wherein filling said capillary tubes further comprises:

controlling the temperature of each said capillary tube to allow said boli to travel through said capillary tubes to be disposed at a specific location within said capillary tubes.

- 53. (New) The method of claim 52, wherein the higher melting point fluid comprises one or more of the group consisting of:
 - a polymer substance;
 - a wax substance; and
 - a immiscible inert fluid.
- 54. (New) The method of claim 51, wherein dispensing the liquid contained in each of said capillary tubes into said corresponding one of said second set of reservoirs comprises:

controlling the temperature of each said specified location of said capillary tubes to allow said boli to travel from said specific location within said capillary tube to separate from said capillary tube.

55. (New) The method of claim 51, wherein the temperature is controlled by at least one of the group consisting of a Peltier cooling/heating system, a resistive heating system, a cryogenic fluid flow system and an air flow system.

Application No. 09/199,655 Attny Dkt: 104464-00002 Reply to Office Action dated November 27, 2001

REMARKS

By the foregoing Amendments Applicants have canceled all pending claims thereby rendering the rejections thereof moot, and have added new claims 41-55. These amendments are believed not to introduce new matter and their entry is respectfully requested. This application is now in condition for allowance. A notice of such is respectfully requested. Should the examiner need or desire to discuss this amendment or any other aspect of this application, Applicants request that the examiner contact the undersigned at the number below.

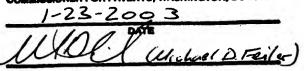
Respectfully submitted,

Michael G. Verga Reg. No. 39,410 Tel. (617)439-2871

Attorney Docket No. 104464-00002

Date: October 14, 2003

HEREBY CERTIFY THAT THIS CORRESPONDENCE IS DE SE WITH THE UNITED STATES POSTAL SERVICE AS FIRS SE MAIL IN AN ENVELOPE ADDRESSED TO: ASS. MT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231







Group Art Unit: 1743

Examiner: P. Bex

Docket No.: 104464-0002

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Richard A. Mathies, et al

Application No.: 09/199,655

Filed: November 25, 1998

1 11cd. 110 tellioei 23, 1330

For: MICROPLATE SAMPLE AND REAGENT

LOADING SYSTEM

LETTER TO THE EXAMINER

Examiner Bex Commissioner for Patents Washington, DC 20231

Dear Examiner Bex:

This paper is being filed with a Petition to Revive an unintentionally abandoned application and request for continued examination (RCE) application. Also filed with this paper is a revocation of all previous powers of attorney and appointment of new practitioners, including the undersigned, to prosecute the captioned application on behalf of the assignee of record, Affymetrix, Inc.

Due to the complexities in the prosecution of the parent application, the undersigned requests that the examiner contact the undersigned prior to examining the RCE application to arrange a time at which a substantive interview on the merits can be conducted. The undersigned will then file a Preliminary Amendment for examination.

Dated: January 23, 2003

Respectfully submitted,

Michael G. Verga Registration No.: 39,410

NUTTER MCCLENNEN & FISH LLP

World Trade Center West 155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2871

Attorneys for Applicant





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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED

Docket Number (Optional)

UNINTENTIONALLY UNDER 37 CFR 1.137(b)	104464-0002
First named inventor: Richard A. Mathies	·
Application No: 09/199,655-Conf. #3941 Art Unit: 1743	
Filed: February 28, 2001 Examiner: P. E	Bex
Title: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM	
Attention: Office of Petitions Box DAC Commissioner for Patents Washington, DC 20231	
NOTE: If information or assistance is needed in completing this form, please contact Information at (703) 305-9282.	Petitions
The above-identified application became abandoned for failure to file a timely and proby the United States Patent and Trademark Office. The date of abandonment is the of the period set for reply in the Office notice or action plus any extensions of time ac	day after the expiration date
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPL	ICATION
NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant before June 8, 1995, and for all design applications; and (4) Statement that the entire delay was unintentional.	t applications filed
1. Petition fee	
Small entity – fee \$ (37 CFR 1.17(m)). Applicant claims s	small entity status.
X Other than small entity – fee \$	
2. Reply and/or fee	
A. The reply and/or fee to the above-noted Office action in the form of Request for Continuing Examination (identify the type of	reply):
has been filed previously on	
x is enclosed herewith.	
B. The issue fee of \$	
has been paid previously on	
is enclosed herewith.	
Petition to Revive Application Unintentionally Abandoned I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient an envelope addressed to: Box DAC, Commissioner for Patients, Washington 1C, 20231, on the date	postage as First Class Mail, in shown below.
	chael D. Feiler)

Approved for use through 10/31/2002. OMB 0651-031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

3. Terminal disclaimer with disclaimer fee Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required. A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63). STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))]. January 23, 2003 Date Michael G. Verga Telephone Typed or printed name (617) 439-2871 Number: **NUTTER MCCLENNEN & FISH LLP** World Trade Center West 155 Seaport Boulevard Boston, Massachusetts 02210-2604 Address **Endosures:** Fee Payment Reply **Terminal Disclaimer Form** Additional sheets containing statements establishing unintentional delay Other: 1174899.1

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World Trade Center West 155 Seaport Boulevard Boston, MA 02210-2604 Date:

January 23, 200

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Commissioner of Patents and Trademarks

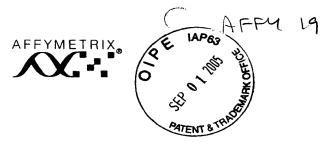
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Invoice Nun	<u>o</u>	Invoice Date	Invo	ice Amount	Amount Paid	Discount Taken	Payment Amt
01-23-2003-	-5	1/23/2003		\$1,300.00	\$1,300.00	\$0.00	\$1,300.00
	Disb Date	Client	Matter	<u>Disb</u>	Description		Amount
	1/23/2003	0104464	00002	PF	Petition Fee	\$	\$1,300.00
		Totals:		\$1,300.00	\$1,300.00	\$0.00	\$1,300.00



Michael F.





July 16, 2003

VIA EXPRESS MAIL

Mail Stop: EBC Customer Number Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450



Re: Customer Number 37403 Upload Spreadsheet

Dear Sir or Madam:

Enclosed please find a list of U.S. patents applications. The enclosed list is being provided in computer readable form as well as in paper form.

We hereby request that these applications be associated with Customer Number 37403.

We also request that those agents and/or attorneys associated with Customer Number 37403 be provided Powers of Attorney via this Customer Number, and that the address of Customer Number 37403 be entered for correspondence purposes in each of the patent applications provided on the enclosed list.

Should you have any questions, please do not hesitate to contact me at 408-731-5277 or by email at Leticia Block@Affymetrix.com.

Respectfully submitted,

Thico R. Block

Leticia R. Block

Reg. No. 50,167

Enclosures

cc: Michael Verga / Nutter McClennen & Fish LLP

3380 Central Expressway Santa Clara, California 95051 Telephone 408 731 5000 Fax 408 481 0422 www.affymetrix.com

Customer:

37403

Michael Verga / Nutter McClennen & Fish LLP World Trade Center West 155 Seaport Boulevard Boston U.S.A.

11/25/98	YES	YES	. NO
07/16/01	YES	YES	NO
10/31/02	YES	YES	NO
11/25/02	YES	YES	NO
01/30/03	YES	YES	NO
12/19/02	YES	YES	NO
07/19/01	YES	YES	NO
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PTO/SB/30 (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to: Commissioner for Patents Box RCE Washington, DC 20231

polici in a colection of informati	on unices it displays a valid OND control number
Application Number	09/199,655-Conf. #3941
Filing Date	February 28, 2001
First Named Inventor	Richard A. Mathies
Group Art Unit	1743
Examiner Name	P. Bex
Attorney Docket No.	104464-0002

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114
a. Previously submitted
i. Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on (Any unentered amendment(s) referred to above will be entered).
ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on
iii. Other
b. x Enclosed
i. Amendment/Reply
ii. Affidavit(s)/Declaration(s)
iii. Information Disclosure Statement (IDS)
iv. X Other Letter to Examiner Bex
2. Miscellaneous
a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for
a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
b. Other
3. Fees The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.
a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to
Deposit Account No.
i. x RCE fee required under 37 CFR 1.17(e)
ii. Extension of time fee (37 CFR 1.136 and 1.17)
iii. Other
b. x Check in the amount of \$ 750.00 enclosed
c. Payment by credit card (Form PTO-2038 enclosed)
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED
Name (Print/Type) Michael G Verga Registration No. (Attorney/Agent) 39,410
Signature Date January 23, 2003
Request for Continuing Examination I hereby certify that this correspondence is being deposited with the U.S. Postal Sovice with sufficient postage as First Class Mail, in an envelope addressed to: Box DAC, Commissioner for Paters, Washington, p.C. 20231, on the date shown below.
Dated: January 23, 2003 Signature: (Michael D. Feiler)

Nutter, McClennen & Fish, LLP

World Trade Center West 155 Seaport Boulevard Boston, MA 02210-2604 January 23, 20 COPV

Citizens Bank

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Pay: Seven hundred fifty and 00/100*****

\$ 750.00

PAY TO THE ORDER OF:

Commissioner of Patents and Trademarks

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mmissioner of	Patents and	Frademarks V	endor ID: 00	1670			Check #:2850
<u>Invoice Num</u> 01-23-2003-6		Invoice Date 1/23/2003	<u>Invoic</u>	<u>e Amount</u> \$750.00	Amount Paid \$750.00	Discount Taken \$0.00	Payment Amt \$750.00
	Disb Date 1/23/2003	<u>Client</u> 0104464	<u>Matter</u> 00002	<u>Disb</u> FILFEE	Description Filing Fee		<u>Amount</u> \$750.00
		Totals:		\$750.00	\$750.00	\$0.00	\$750.00



Michael F.



TRANSMISSION VERIFICATION REPORT

TIME : 02/03/2004 12:29 NAME : JAGTIANI FAX : 7035915907 TEL : 7035912664 SER.# : BROH2J624365

DATE,TIME FAX NO./NAME DURATION PAGE(S) RESULT MODE

02/03 12:20 7038726906 00:09:03 27 OK STANDARD ECM

Ofc of Petitions 2-3-03





Facsimile Cover Page

DATE:

FEBRUARY 3, 2004

To:

OFFICE OF PETITIONS, ATTN: LATRICE BLOCK

FAX NUMBER: 703-872-6906

PHONE NUMBER:

NUMBER OF PAGES (INCLUDING COVER):

26

CONFIRMATION COPY TO FOLLOW:

No

MESSAGE:

Enclosed for your attention is a resubmission of a filing first mailed October 14, 2003.

Very truly yours, JAGTIANI + GUTTAG

Michael G. Verga

MGV:jmh

PLEASE CONTACT US IF THERE IS ANY PROBLEM WITH THE TRANSMISSION OF THIS DOCUMENT. Confidential notice: The information contained in this facsimile message is intended for the use of the addressee(s) and contains information that is confidential and/or privileged. If you are not the intended recipient or the person responsible for delivering it to the intended recipient, any disclosure, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy this facsimile.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/199,655

Applicant

MATHIES, ET AL.

Filed

NOVEMBER 25, 1998

Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

Examiner

WARDEN, JILL ALICE

Atty Docket No.

AFFY-0019-8 (FORMERLY 104464-0002CPA)

Mail Stop Petitions

FAX NUMBER: 703-872-6906

P.O. Box 1450

Alexandria, VA 22313-1450

CERTIFICATION OF FACSIMILE TRANSMISSION

Sir:

I hereby certify that the following documents have been facsimile transmitted to the Office of Petitions, United States Patent and Trademark Office, facsimile number 703-872-6906 on February 3, 2004 in connection with the above-captioned application.

- \boxtimes Letter To Office of Petitions
- \boxtimes Previously submitted Request for Renewed Petition w/Request for Extension of time (mailed October 14, 2003)
- \boxtimes Copy of letter mailed June 13, 2003 from Office of Petitions dismissing previously granted petition
- \mathbf{X} Patent Fee Transmittal for FY 2004

Respettfully submitted,

Michael G. Verga

Registration Number 39,410

JAGTIANI + GUTTAG

Democracy Square Business Center 10363-A Democracy Lane Fairfax, Virginia 22030 (703) 591-2664 (telephone) (703) 591-5907 (fax)

February 3, 2004



Patent Fee Transmittal for FY 2004

Applicant Claims Small Entity Status 37 C.F.R. 1.27

TOTAL AMOUNT OF PAYMENT | \$420 00

Application Number 09/199,655 Filing Date November 25, 1998 Named Inventor MATHIES, et al. Examiner Name Warden, Jill Alice Art Unit 1743

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Large	Entity	Small	Entity				a. C	laims as	Filed			Extra	Large	Entity	Small	Entity	
Code	(\$)	Code	(\$)	Des	scription	Paid	_					Claims	Code	(\$)	Code	(\$)	Paid
1001	770	2001	385	Utility filing fee		\$	- Tota	al Claims	L	0	-20 =	0 x	1202	18	2202	9	\$
1002	340	2002	170	Design filing fee		\$	- Inde	ependent		0	-3 =	0x	1201	86	2201	43	\$
1003	530	2003	265	Plant filing fee		\$	_ Mul	tiple Depe	endent				1203	290	2203	145	\$ -
1004	770	2004	385	Reissue filing fee		\$											
1005	160	2005	80	Provisional filing	fee	\$	<u>-</u> b. С	laims as a	Amende	ed							-
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1451	1,510		1,510	Petition - public u		\$	- 180			920		quest Pub. of			24.011	ŀ	\$ -
1452	110		55	Petition to Revive		\$	- 180					quest Pub. of	•			ŀ	\$ -
1453	1,330		665	Petition to Revive	•	\$	- 181					ch Add. Inver				ľ	\$ -
1501	1,330		665	Utility Issue Fee		\$	- 180					pedited Exam				·	\$ -
1502	480		240	Design Issue Fee)	\$	- 155		1	455		intenance Fe				Ì	\$ -
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METHOD OF PAYMENT Name Michael G. Verga 39,410 Reg. No. $\overline{\mathbf{A}}$ Deposit Account No. Firm Jagtiani + Guttag 10-0233-AFFY-0019-8 Address 10363-A Democracy Lane, Fairfax VA 22030 [~] The Commissioner is hereby authorized to charge the amount Telephone 703.591.2664 Fax 703.591.5907 shown above and any additional fees which may be required under 37 CFR 1.16, 1.17, 1.18, 1.20 and 1.492 or credit any overpayment to the deposit account number listed above. February 3, 2004 Signature Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/199,655

Applicant

MATHIES, ET AL.

Filed

: NOVEMBER 25, 21998

Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

: 1743

Examiner

WARDEN, JILL ALICE

Atty Docket No.

AFFY-0019-8 (FORMERLY 104464-0002CPA)

Mail Stop Petitions

FAX NUMBER: 703-872-6906

P.O. Box 1450

Alexandria, VA 22313-1450

LETTER TO OFFICE OF PETITIONS

Sir:

On Monday, February 2, 2004, Ms. Joyce Hanline of this office spoke with Ms. Latrice Bond, Paralegal Specialist at the Office of Petitions. Inquiry was made as to whether the Office of Petitions had received the October 14, 2003 filing of a Renewed Petition to Revive, as well as a Two-Month Extension of Time. Ms. Bond indicated that there was no record of the October 14th filing and suggested that a copy be faxed to the Office of Petitions

Enclosed is a copy of the documents included in the October 14, 2003 filing that was not received by the Office of Petitions. Also enclosed is a copy of the June 13, 2003 letter from the Office of Petitions dismissing the previously granted petition for revival.

As the original check in the amount of \$420.00 included in the October 14th filing was also not received, the Commissioner is hereby authorized to charge \$420.00 to Deposit Account Number 10-0233 AFFY-0019-8. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 10-0233 pursuant to 37 CFR 1.25. Additionally, please charge any fees to Deposit Account 10-0233 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed. If extensions of time are necessary to allow consideration of this paper, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefore, including fees for net addition of claims, are hereby authorized to be charged to Deposit Account No. 10-0233.

Your prompt attention to this Renewed Petition to Revive is respectfully requested.

Respectfully submitted,

Michael G. Verga

Registration No. 39,410

JAGTIANI + GUTTAG
Democracy Square Business Center
10363-A Democracy Lane
Fairfax, Virginia 22030

(703) 591-2664

February 3, 2004

Atty Docket No.: 104464-0002CPA

Richard A. Mathies, et al.

tion No.: 09/199,655-Conf. #3941 Filing Date: Nove MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM Filing Date: November 25, 1998 Application No.:

Documents Filed:

Transmittal (1 page), Fee Transmittal, Check # 34373 \$420.00,
Two Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page) (2 x)
Renewed Petition Under 37 C.F.R. 1.137(b) (z pages)
Response and Amendment (5 pages)
Copies of Previously filed RCE with copy of check \$750.00, Petition to Revive Unitentionally Abandoned Application with copy of check \$1,300.00, Letter to Examiner

Via: First Class Mail

MGV/bjw Sender's Initials:

1179617

Date: October 14, 2003





NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

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NUTTER MCCLENNEN & FISH LLP PO BOX 1400 BOSTON MA 02205-8960

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a collection of information unless it displays a valid OMB control numbrication Number 09/199,655-Conf. #3941 Date November 25, 1998 Named Inventor Richard A. Mathies Init 1743 P. Bex ney Docket Number 104464-0002RCE Ck all that apply) After Allowance Communication to Group to Group Appeal Communication to Board of Appeals and Interferences Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) O a Proprietary Information
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ion
evocation Status Letter
X Other Enclosure(s) (please identify below):
1. Check \$420.00 2. Copies of Previously Filed RCE
with copy of check, Petition to Revive with copy of check,
Letter to Examiner
TTORNEY, OR AGENT



Use in lieu of PTO/SB/17 (08-03) (Form updated to reflect FY 2004 fees effective 10/1/03)

EEE TO A NOMITTAL					Complete if Known
FEE TRANSMITTAL	. [Appli	cation	Numb	er 09/199,655-Conf. #3941
for FY 2004		Filing	Date		November 25, 1998
Effective 10/01/2003, Patent fees are subject to annual revision.		First	Name	Inver	ntor Richard A. Mathies
Enecuve Two II 2003, Patent less are subject to announterision.		Exam	iner N	ame	P. Bex
Applicant claims small entity status. See 37 CFR 1.27		Art Ur	nit		1743
TOTAL AMOUNT OF PAYMENT (\$) 420.00		Attorn	ey Do	cket No	o. 104464-0002RCE
METHOD OF PAYMENT (check all that apply)				FEE	CALCULATION (continued)
X Check Credit Money Other None	3. A	DDITIO	ONAL	FEES	
Deposit Account:					
Deposit Deposit	Large	Entity	Small	Entity	_
Account 141449	Fee Code	Fee (\$)	Fee Code	Fe e (\$)	Fee Description Fee Paid
Deposit	1051	130	2051	65	Surcharge – late filing fee or oath
Account Nutter McClennen & Fish LLP		i			Surcharge – late himg lee or baut Surcharge – late provisional filing fee or cover
The Director is authorized to: (check all that apply)	1052	50	2052	25	sheet.
Charge fee(s) indicated below X Credit any overpayments	1053	130	1053	130	Non-English specification
X Charge any additional fee(s) during the pendency of this application	1812	2,520	1812	2,520	For filing a request for ex parte reexamination
Charge fee(s) indicated below, except for the filling fee	1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
to the above-identified deposit account.	1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
FEE CALCULATION	1251	110	2251	55	Extension for reply within first month
1. BASIC FILING FEE	1252	420	2252	210	Extension for reply within second month 420.00
Large Entity Small Entity Fee Fee Fee Fee Paid	1253	950	2253	475	Extension for repty within third month
Code (\$) Code (\$)	1254 1255	1,480 2,010	2254	740	Extension for reply within fourth month
1001 770 2001 385 Utility filing fee 1002 340 2002 170 Design filing fee	1401	330	2401		Extension for reply within fifth month Notice of Appeal
1003 530 2003 265 Plant filing fee	1402	330	2402	165	Filing a brief in support of an appeal
1004 770 2004 385 Reissue filing fee	1403	290	2403		Request for oral hearing
1005 160 2005 80 Provisional filing fee	1451 1452	1,510 110	1451 2452	1,510 55	Petition to institute a public use proceeding Petition to revive – unavoidable
SUBTOTAL (1) (\$) 0.00	1453	1,330	2453		Petition to revive - unintentional
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	1501	1,330	2501	665	Utility issue fee (or reissue)
Extra Fee from Claims below Fee Paid	1502	480	2502	240	Design issue fee
Total Claims -20** = x = Independent	1503	640	2503		Plant issue fee
Claims L	1460	130	1460		Petitions to the Commissioner
Multiple Dependent	1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
Large Entity Small Entity Fee	1806	180	1806		Submission of Information Disclosure Strnt Recording each patent assignment per
Code (\$) Code (\$) 1202 18 2202 9 Claims in excess of 20	8021	40	8021	40	property (times number of properties) Filing a submission after final rejection
1202 18 2202 9 Claims in excess of 20 1201 86 2201 43 Independent claims in excess of 3	1809	770	2809	385	(37 CFR 1.129(a))
1203 290 2203 145 Multiple dependent claim, if not paid	1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))
1204 86 2204 43 ** Reissue independent claims over original patent	1801	770	2801		Request for Continued Examination (RCE) Request for expedited examination
1205 18 2205 9 ** Reissue claims in excess of 20	1802	900	1802	900	of a design application
and over original patent		fee (spe			
SUBTOTAL (2) (\$) 0.00 **or number previously paid, if greater, For Reissues, see above	*Redu	iced by E	Basic Fi	ling Fee	Paid SUBTOTAL (3) (\$) 420.00
SUBMITTED BY					(Complete (if applicable))
Name (Print/Type) Michael G. Verga		ration No		,410	Telephone (617) 439-2000
	{Attorne	ey/Agent)	100	,	
Signature / / ////////////////////////////////					Date October 14, 2003
1264235.1					
	Fee tr	ansmit	tal		
I hereby certify that this correspondence is being deposited	withth	e μ.S.	Postal	Servic	e with sufficient postage as First Class Mail, in
an envelope addressed to: Mail Stop Petitions, Commission shown below.		Patents	s, P.U.	BOX 14	450, Alexandria, VA 22313-1450, on the date
Dated: October 14, 2003 Signature:	┸╢	WV	<u> </u>		(Michael G. Verga)



PAY TO THE ORDER OF

Commissioner of Patents and Trademarks

	f Patents and T	rademarks V	endor ID: 0	01670 			Check #:343	373
10/14/03	<u>Disb Date</u> 10/14/2003	Invoice Date 10/14/2003 Client 0104464	Invoi Matter 00002	<u>ce Amount</u> \$420.00 <u>Disb</u>	Amount Paid \$420.00 Description	<u>Discount Taken</u> \$0.00	Payment Amt \$420.00 Amount	
		Totals:		EF \$420.00	Extension Fee \$420.00	\$0.00	\$420.00	



Use in lieu of PTO/SB/17 (08-03) (Form updated to reflect FY 2004 fees effective 10/1/03)

FEE TRANSMITTAL					Com	plete if l	Known	
FEE INANSMITTAL	•	Appl	ication	Numl	ber	09/199,	655-Conf. #3941	
for FY 2004		Filing	g Date			Novem	ber 25, 1998	
Effective 10/01/2003, Patent fees are subject to annual revision.		First	Name	d Inve	entor	Richard	A. Mathies	
		Exan	niner N	lame		P. Bex		
Applicant claims small entity status. See 37 CFR 1.27		Art U	nit			1743		
TOTAL AMOUNT OF PAYMENT (\$) 420.00		Atton	ney Do	cket N	lo.	104464	-0002RCE	
METHOD OF PAYMENT (check all that apply)				FEI	E CALCU	LATION (continued)	
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Account 141449 Number	Fee Code	Fee (\$)	Fee Code	Fee (\$)		Fee De	scription	Fee Paid
Deposit Account Nutter McClennen & Fish LLP	1051	130	2051	65	Surcharge	- late filing	fee or oath	
Name The Director is authorized to: (check all that apply)	1052	50	2052	25	Surcharge	_	sional filing fee or cover	
Charge fee(s) indicated below X Credit any overpayments	4050	400			sheet,			
Charme any additional fee(s) during the pandance of this	1053	130	1053					
application	1812	2,520	.1812		Danuartur		c parte reexamination	
Charge fee(s) indicated below, except for the filing fee	1804	920*	1804	920*	Examiner a	ection	of SIR prior to	
to the above-identified deposit account.	1805	1,840*	1805	1,840*	Requesting Examiner a	; publication ection	of SIR after	
FEE CALCULATION 1. BASIC FILING FEE	1251 1252	110 420	2251 2252	55 210			nin first month	
Large Entity Small Entity	1253	950	2253	210 475			nin second month nin third month	420.00
Fee Fee Fee Fee Fee Description Fee Paid Code (\$) Code (\$)	1254	1,480	2254	740			in fourth month	
1001 770 2001 385 Utility filing fee	1255	2,010	2255	1,005	Extension f	or reply with	iin fifth month	
1002 340 2002 170 Design filing fee	1401	330	2401	165	Notice of A	•		
1003 530 2003 265 Plant filing fee 1004 770 2004 385 Reissue filing fee	1402 1403	330 290	2402 2403	165 145		of in support oral hearing	of an appeal	
1005 160 2005 80 Provisional filing fee	1451	1,510	1451		-		g Iblic use proceeding	
SUBTOTAL (1) (\$) 0.00	1452	110	2452	55		evive – una		
		1,330	2453		Petition to r			
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE Extra Fee from	1501 1502	1,330	2501 2502		Utility issue Design issu	fee (or reis:	sue)	
Claims below Fee Paid Total Claims - 20** = x = =	1503	640	2503		Plant Issue			
Independent	1460	130	1460		Petitions to		ssioner	
Multiple Dependent =	1807	50	1807	50	Processing	fee under 3	7 CFR 1.17(q)	
Large Entity Small Entity	1806	180	1806	180	Submission	of Informati	on Disclosure Strnt	
Fee Fee Fee Code (\$) Fee Description	8021	40	8021	40			assignment per of properties)	
1202 18 2202 9 Claims in excess of 20 1201 86 2201 43 Independent claims in excess of 3	1809	770	2809	385	Filing a sub-	mission afte	r final rejection	
	1810	770	2810		For each ad	iditional inve		
1204 86 2204 43 ** Reissue independent claims	1801	770	2801		examined (3 Request for		Examination (RCE)	
over original patent 1205 18 2205 9 ** Reissue claims in excess of 20	1802	900	1802	900	Request for of a design :	expedited e	examination	
and a read and a land	Other fe	e (spec	ify)		or a design	фриодион	t	
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**or number previously paid, if greater, For Reissues, see above SUBMITTED BY								
Name (Print/Type) Michael G. Verga	Registra	tion No.	120	410			(if applicable))	
	Attorney	/Agent)	39,	410		Telephone	(617) 439-2000	
Signature ////////////////////////////////////						Date	October 14, 200	3
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I hereby certify that this correspondence is being deposited wan envelope addressed to: Mail Stop Petitions, Commissione shown below. Dated: October 14, 2003 Signature:	rith the	nsmitt U.S. F atents,	Postal S	Service Box 14	e with suffic 150, Alexan	ndria, VA 2	ge as First Class Ma 22313-1450, on the d G. Verga)	il, in late



PTO/SB/22 (08-03)

Approved for use through 7/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless if displays a valid OMB control number. Docket No. (Optional) PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) 104464-0002RCE In re Application of Richard A. Mathies and Peter C. Simpson **Application Number** Filed 09/199,655-Conf. #3941 November 25, 1998 MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM Art Unit 1743 Examiner This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application. The requested extension and appropriate non-small-entity fee are as follows (check time period desired): One month (37 CFR 1.17(a)(1)) Two months (37 CFR 1.17(a)(2)) 420.00 Three months (37 CFR 1.17(a)(3)) Four months (37 CFR 1.17(a)(4)) Five months (37 CFR 1.17(a)(5)) Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ A check in the amount of the fee is enclosed. Payment by credit card. Form PTO-2038 is attached. The Director has already been authorized to charge fees in this application to a Deposit Account. The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number I have enclosed a duplicate copy of this sheet. I am the applicant/inventor. assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96). attorney or agent of record. Registration Number attorney or agent under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) 39 410 October 14, 2003 Date Signature (617) 439-2000 Michael G. Verga Telephone Number Typed or printed name NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below Total of forms are submitted. Two Month Request for Extension of Time Under 37 CFR 1.136(a) I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Atexandria, VA 22313-1450, on the date

1264240.1

shown below.

Daled: October 14, 2003

Signature:



PTO/SB/22 (08-03)
Approved for use through 7/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless if displays a valid OMB control number.

PETITION FOR EXTENSION OF	TIME UNDER	37 CFR 1.136(a)	Do	ocket No. (Op 10446	otional) 64-0002RCE
	In re Applicati	on of Richard A	۱. Mathie	es and Peter	C. Simpson
	Application No. 09/19	umber 9,655-Conf. #3941		Filed Nove	ember 25, 1998
	For: MICR	OPLATE SAMPLE	AND RE	EAGENT LOA	ADING SYSTEM
	Art Unit	1743	Exam	iner	P. Bex
This is a request under the provisions identified application.					
The requested extension and appropri	ate non-small-e	entity fee are as follo	ows (che	eck time perio	od desired):
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	e is enclosed. PTO-2038 is at authorized to cleed to charge and the Number	tached. harge fees in this ap by fees which may be 141449 terest. See 37 CFR (b) is enclosed. (Fe	e requir	ed, or credit a	
attorney or agent u Registration number October 14, 2003 Date (617) 439-2000 Telephone Number NOTE: Signatures of all the inventors or assignthan one signature is required, see below	er if acting under	37 CFR 1.34(a)	Mi Type	Signature chael G. Ven d or printed r	name
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Docket No.: 104464-0002

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Richard A. Mathies, et al

Application No.: 09/199,655

Group Art Unit: 1743

Filed: November 25, 1998

Examiner: P. Bex

For: MICROPLATE SAMPLE AND REAGENT

LOADING SYSTEM

RENEWED PETITION TO REVIVE

Office of Petitions
Office of the Deputy Commissioner for Patent Examination Policy
Washington, DC 20231

Dear Sir or Madam::

This is a Renewed Petition to Revive an abandoned application under 37 CFR 1.137(b).

A Petition to Revive an unintentionally abandoned application and request for continued examination (RCE) application was filed on January 23, 2003. The Petition was initially granted.

Applicants included with the above Petition a Letter to the Examiner requesting a substantive interview when the application was returned to the art unit, and prior to examination. The purpose of the interview was to confirm the undersigned representative's understanding of the state of the claims as they currently stood at the time of abandonment. As noted in that Letter, once such understanding was obtained, Applicants were to file a reply to the outstanding office action. However, the noted Petition was later dismissed due to a failure to include such a substantive reply.

Application No.: 09/199,655 Docket No.: 104464-0002CPA

The Office of Petitions informed the undersigned that the filing of this Renewed Petition would be readily granted if accompanied by a substantive response and the requisite petition for extension of time. Such papers are filed herewith along with copies of the initial petition.

Dated: October 14, 2003

Respectfully submitted,

Michael (F. Verga

Registration No.: 39,410

NUTTER MCCLENNEN & FISH LLP

World Trade Center West 155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2871

Attorneys for Applicants



ATTNY DOCKET NO. 104464-00002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Mathies et al.

Serial No.:

09/199,655

Filing Date:

November 25, 1998

For:

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Examiner:

P. Bex

Art Unit:

1743

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to: M/S Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 14th day of October, 2003.

Michael G. Verga

RESPOONSE & AMENDMENT

Commissioner for Patents Washington, D.C. 20231

Dear Sir:

Applicant submits the following Response & Amendment in Reply to the Office Action dated November 27, 2001.

It is not believed that extension for time or fees for net addition of claims are required, beyond those which may otherwise be provided for in document accompanying this paper. However, if additional extensions of time are necessary to allow consideration of this paper, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefore, including fees for net addition of claims, are hereby authorized to be charged to our Deposit Account No. 14-1449.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 5 of this paper.

Application No. 09/199. Attny Dkt: 104464-00002

AMENDMENTS TO THE CLAIMS

The following listing of claims will replace all prior versions, and listings, of claims in the captioned patent application.

Listing of Claims

- 1-40 (Canceled)
- 41. (New) A liquid-handling system for transferring liquid between a first container and a second container, comprising:
- a plurality of capillary tubes each having a first end positioned in the first container and a second end positioned in or above a receiving reservoir of the second container;
- a pressure housing encasing the first container and configured to cause liquid contained in the first container to be transferred through the capillary tubes to the second container; and
- a liquid stop mechanism disposed adjacent to the second end of the capillary tubes that enables the capillary tubes to be completely filled prior to dispensing the liquid into the receiving reservoir.
- 42. (New) The system of claim 41, wherein said liquid stop mechanism comprises: a capillary cooler through which a portion of said capillary tubes extend to define a cold region of the capillary tube.
- 43. (New) The system of claim 42, wherein said capillary cooler comprises one or more of the group consisting of:
 - a Peltier cooling/heating system;
 - a resistive heating system;
 - a cryogenic fluid flow system; and
 - an air flow system.
- 44. (New) The system of claim 42, wherein said liquid stop mechanism comprises:
- a flow system comprising a flow chamber having chamber walls defining an flow cavity through which temperature-controlled cooling fluid or gas flows, wherein said cdold region of said capillary tubes are disposed in said flow cavity.

- 45. (New) The system of claim 44, wherein said cooling fluid or gas comprises at least one of the group consisting of air, water and liquid nitrogen.
- 46. (New) The system of claim 44, wherein said chamber walls are insulated.
- 47. (New) A method for transferring liquid between a first set of reservoirs and a second set of reservoirs via a plurality of capillary tubes each having a first end positioned in a corresponding one of said first set of reservoirs and a second end positioned in or above a corresponding one of said second set of reservoirs, the method comprising:

completely filling said capillary tubes with liquid contained in each said corresponding first set of reservoirs; and

subsequent to said complete filling of all said capillary tubes, dispensing the liquid contained in each of said capillary tubes into said corresponding one of said second set of reservoirs.

48. (New) The method of claim 47, wherein completely filling said capillary tubes comprises:

applying a differential pressure across said capillary tubes sufficient to cause the liquid contained in the corresponding first set of reservoirs to travel through said corresponding capillary tubes;

freezing the liquid in a region of each said capillary tube that is adjacent to said second end of said capillary tubes;

ceasing said application of said differential pressure;

melting said frozen liquid in said region of each said capillary tube; and reapplying said differential pressure to dispense into said corresponding set of second reservoirs said liquid contained in each said capillary tube.

49. (New) The method of claim 48, wherein freezing the liquid in the capillary tubes comprises:

cooling a region of each said capillary tube that is adjacent to said second end of said capillary tube to a temperature below the freezing point of the liquid in said capillary tubes.

50. (New) The method of claim 48, wherein said melting said frozen liquid contained in said region of said capillary tubes comprises:

elevating said temperature in said region of each of said capillary tubes to melt said frozen liquid.

51. (New) The method of claim 47, wherein completely filling said capillary tubes comprises:

filling the liquid contained in each of said first set of reservoirs through each of the capillary tubes;

introducing into each of the capillary tubes a bolus of a fluid having a melting point that is higher than that of the liquid contained in said corresponding first set of reservoirs; and solidifying said bolus in a region of each said capillary tube adjacent said second end of each said capillary tube.

52. (New) The method of claim 51, wherein filling said capillary tubes further comprises:

controlling the temperature of each said capillary tube to allow said boli to travel through said capillary tubes to be disposed at a specific location within said capillary tubes.

- 53. (New) The method of claim 52, wherein the higher melting point fluid comprises one or more of the group consisting of:
 - a polymer substance;
 - a wax substance; and
 - a immiscible inert fluid.
- 54. (New) The method of claim 51, wherein dispensing the liquid contained in each of said capillary tubes into said corresponding one of said second set of reservoirs comprises:

controlling the temperature of each said specified location of said capillary tubes to allow said boli to travel from said specific location within said capillary tube to separate from said capillary tube.

55. (New) The method of claim 51, wherein the temperature is controlled by at least one of the group consisting of a Peltier cooling/heating system, a resistive heating system, a cryogenic fluid flow system and an air flow system.

REMARKS

By the foregoing Amendments Applicants have canceled all pending claims thereby rendering the rejections thereof moot, and have added new claims 41-55. These amendments are believed not to introduce new matter and their entry is respectfully requested. This application is now in condition for allowance. A notice of such is respectfully requested. Should the examiner need or desire to discuss this amendment or any other aspect of this application, Applicants request that the examiner contact the undersigned at the number below.

Respectfully submitted,

Michael G. Verga Reg. No. 39,410 Tel. (617)439-2871

Attorney Docket No. 104464-00002 Date: October 14, 2003 IMEREBY CERTIFY THAT THIS CORRESPONDENCE IS DEFINED WITH THE UNITED STATES POSTAL SERVICE AS 'SEMAIL IN AN ENVELOPE ADDRESSED TO: NT COMMISSIONER FOR PATENTS, WASHINGTON, UC 20231





Docket No.: 104464-0002

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Richard A. Mathies, et al

Application No.: 09/199,655

Filed: November 25, 1998

For: MICROPLATE SAMPLE AND REAGENT

Uichael D. Feiler

LOADING SYSTEM

Group Art Unit: 1743

Examiner: P. Bex

LETTER TO THE EXAMINER

Examiner Bex Commissioner for Patents Washington, DC 20231

Dear Examiner Bex:

This paper is being filed with a Petition to Revive an unintentionally abandoned application and request for continued examination (RCE) application. Also filed with this paper is a revocation of all previous powers of attorney and appointment of new practitioners, including the undersigned, to prosecute the captioned application on behalf of the assignee of record, Affymetrix, Inc.

Due to the complexities in the prosecution of the parent application, the undersigned requests that the examiner contact the undersigned prior to examining the RCE application to arrange a time at which a substantive interview on the merits can be conducted. The undersigned will then file a Preliminary Amendment for examination.

Dated: January 23, 2003

Respectfully submitted,

Michael G. Verga

Registration No.: 39,410

NUTTER' MCCLENNEN & FISH LLP

World Trade Center West 155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2871

Attorneys for Applicant



Dated: January 23, 2003



PTO/SB/64 (10-01) Approved for use through 10/31/2002. OMB 0651-0031

(Michael D. Feiler)

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Docket Number (Optional) PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED **UNINTENTIONALLY UNDER 37 CFR 1.137(b)** 104464-0002 First named inventor: Richard A. Mathies Application No: 09/199,655-Conf. #3941 Art Unit: 1743 Filed: February 28, 2001 Examiner: P. Bex Title: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM Attention: Office of Petitions Box DAC Commissioner for Patents Washington, DC 20231 NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282. The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained. APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION NOTE: A grantable petition requires the following items: (1) Petition fee; (2)Reply and/or issue fee; (3)Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Statement that the entire delay was unintentional. 1. Petition fee Small entity - fee \$ (37 CFR 1.17(m)). Applicant claims small entity status, See 37 CFR 1.27. Other than small entity – fee \$ ___1,300.00 (37 CFR 1.17(m)) 2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in the form Request for Continuing Examination (identify the type of reply): has been filed previously on _____ is enclosed herewith. B. The issue fee of \$ has been paid previously on _____. is enclosed herewith. Petition to Revive Application Unintentionally Abandoned I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, C. 20231, on the date shown below.

PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required. х A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63). STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))]. January 23, 2003 Michael G. Verga Telephone Typed or printed name Number: (617) 439-2871 **NUTTER MCCLENNEN & FISH LLP** World Trade Center West 155 Seaport Boulevard Boston, Massachusetts 02210-2604 Address Fee Payment Enclosures: Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: 1174899.1

World Trade Center West 155 Seaport Boulevard Boston, MA 02210-2604

Date:

January 23

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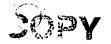
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE and to a collection of information unless it displays a valid OMB control purples. Under the Paperwork Reduction Act of 1995, no persons are required to resp

REQUEST **FOR CONTINUED EXAMINATION (RCE)** TRANSMITTAL

Address to: Commissioner for Patents Box RCE Washington, DC 20231

SORU LO A CORECCION OF INFORMATIO	in unless it displays a valid Olvib delibornumber.
Application Number	09/199,655-Conf. #3941
Filing Date	February 28, 2001
First Named Inventor	Richard A. Mathies
Group Art Unit	1743
Examiner Name	P. Bex
Attomey Docket No.	104464-0002

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

<u> </u>	required under 37 CFR 1.114				
a. Previ	ously submitted	•			
	consider the amendment(s)/reply only unentered amendment(s) referred to about		previously filed	d on	
ii. 📗 C	onsider the arguments in the Appo	eal Brief or Reply Brie	ef previously file	ed on	
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I hereby certify that this correspondence an envelope addressed to: Box DAC, Co	Request for Continuing Examination is being deposited with the U.S. Fostal Service with sufficient postage as First Class Mail, in mmissioner for Parents, Washington, p.C. 2023, on the date shown below.
Dated: January 23, 2003	Signature: (Michael D. Feiler)

World Trade Center West 155 Seaport Boulevard Boston, MA 02210-2604

Date:

January 23,

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Pay: Seven hundred fifty and 00/100****

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Commissioner of Patents and Trademarks

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Invoice Num 01-23-2003-6		<u>Invoice Date</u> 1/23/2003	lnvç	sice Amount \$750.00	Amount Paid \$750.00	<u>Discount Taken</u> \$0.00	<u>Payment Amt</u> \$750.00
	<u>Disb Date</u> 1/23/2003		<u>Matter</u> 00002	<u>Disb</u> FILFEE	<u>Description</u> Filing Fee		<u>Amount</u> \$750.00
		Totals:		\$750.00	\$750.00	\$0.00	\$750.00



Michael F.



UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents United States Patent and Trademark Office PO Box 1450 Arllington, VA 22313-1450

Paper No. 30

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OFFICE OF PETITIONS

In re Application of

Richard A. Mathies et al.

Application No. 09/199,655

Filed: November 25, 1998

Attorney Docket No. 104464-0002

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 29, 2003, to revive the above-identified application. The decision mailed March 24, 2003 is vacated.

The petition is **DISMISSED**.

The application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner in reply to the final Office action mailed November 27, 2001, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on February 28, 2002.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional; the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

AUG 13, 2003-REQUESTA UNSIDERATION

	Docket Department
Reviewed.	byby

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) were filed with the petition to revive on January 29, 2003. The request however, lacks the submission required by 37 CFR 1.114. A submission as used in 37 CFR 1.114 includes, but is not limited to, an information disclosure statement, an amendment to the written descriptions, claims, new arguments, or new evidence in support of patentability. See 37 CFR 1.114(c) and MPEP Section § 706.07(g).

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petitions

PO Box 1450

Arlington, VA 22313-1450

By facsimile:

(703) 308-6916

Attn: Office of Petitions

By hand:

Office of Petitions 2201 South Clark Place Crystal Plaza 4, Suite 3C23

Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

Latrice Rond

Paralegal Specialist Office of Petitions

Office of the Deputy Commissioner

for Patent Examination Policy

PATENT /

JAGTIANI + GUTTAG - Democracy Square Business Center, 10363-A Democracy Lane. Fairfax, VA 22030

Serial No.: 09/199,655

Filed: November 25, 1998

Atty. Docket No.: AFFY-0019-8

Applicants: MATHIES, et al.

FOI: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

DELIVER TO: 🗵 MAIL ROOM 🔲 ART UNIT:_

Special Instructions:

The PTO stamp hereon acknowledges receipt of:

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Status Inquiry
Patent Fee Transmittal Form and Authorization to Charge Deposit Account



SEP 0 1 7005 TRADEMARY IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/199,655

Applicant

MATHIES, ET AL.

Filed

NOVEMBER 25, 1998

Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

1743

Examiner

WARDEN, JILL ALICE

Atty Docket No.

AFFY-0019-8

Mail Stop Petitions P.O. Box 1450

Alexandria, VA 22313-1450

LETTER

Sir:

The below-identified communication(s) is (are) submitted in the above-captioned application or proceeding:

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Status Inquiry

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Patent Fee Transmittal Form and Authorization to Charge Deposit Account

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The Commissioner is hereby authorized to charge payment of any fees associated with this communication, including fees under 37 C.F.R. §§ 1.16 and 1.17 or credit any overpayment to **Deposit Account Number 10-0233-**AFFY-0019-8.

Respectfully submitted,

Michael G. Verga

Registration Number 39,410

JAGTIANI + GUTTAG Democracy Square Business Center 10363-ADemocracy Lane Fairfax, Virginia 22030 (703) 591-2664

May 6, 2004



Patent Fee Test smittal for FY 2004

under 37 CFR 1.16, 1.17, 1.18, 1.20 and 1.492 or credit any overpayment to the deposit account number listed above.

Revised 11-2003

Applicant Claims Small Entity Status 37 C.F.R. 1.27

TOTAL AMOUNT OF PAYMENT

\$0.00

Application Number
Filing Date
Named Inventor
Examiner Name

November 25, 1998

09/199,655

MATHIES, et al. Warden, Jill Alice

1743

Attorney Docket No.

Art Unit

AFFY-0019-8

May 6, 2004

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Signature



Application No.

09/199,655

Applicant

MATHIES, ET AL.

Filed

November 25, 1998

Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

1743

Examiner

WARDEN, JILL ALICE

Atty Docket No.

AFFY-0019-8

Mail Stop Petitions P.O. Box 1450

Alexandria, VA 22313-1450

STATUS INQUIRY

Sir:

On October 14, 2003, a Renewed Petition to Revive, as well as a Two-Month Extension of Time was filed with the Office of Petitions. On February 2, 2004, Ms. Latrice Bond, Paralegal Specialist at the Office of Petitions was contacted and indicated that there was no record that the Renewed Petition to Revive was received. On February 3, 2004, the Renewed Petition to Revive was faxed to the Office of Petitions. Applicant has not received any further communications from the U.S. Patent and Trademark Office with respect to the present application.

Therefore, Applicant hereby requests to be informed of the status of the above-identified application.

Respectfully submitted,

Michael G. Verga

Registration Number 39,410

JAGTIANI + GUTTAG

Democracy Square Business Center 10363-A Democracy Lane Fairfax, Virginia 22030 (703) 591-2664

May 6, 2004

and the same

TRANSMISSION VERIFICATION REPORT

TIME : 06/30/2004 10:27 NAME : JAGTIANI FAX : 7035915907 TEL : 7035912664 SER.# : BROH2J624365

13

DATE, TIME FAX NO. /NAME DURATION PAGE(S) RESULT MODE

06/30 10:23 7033054257 00:04:31 37 OK STANDARD ECM



Facsimile Cover Page

DATE:

JUNE 30, 2004

To:

OFFICE OF PETITIONS

ATTN: Mr. JOHN J. GILLON, JR., SENIOR ATTORNEY

FAX NUMBER:

703-305-4257 (COURTESY FAX)

PHONE NUMBER: 703-305-9199

NUMBER OF PAGES (INCLUDING COVER): 37

CONFIRMATION COPY TO FOLLOW:

No

MESSAGE:

Dear Mr. Gillon:

Pursuant to our conversation this morning, we provide you with the following documents:

- Our facsimile of February 3, 2004 to Latrice Bond providing a Letter to the Office of Petitions summarizing events to that date, along with a copy of the previously submitted Request for Renewed Petition filed on October 14, 2003, which was not entered into the record of this application.
- A copy of the Status Inquiry mailed May 6, 2004 in response to which was mailed to us the same Notice of Abandonment mailed October 29, 2002 therefore indicating that the above facsimile of the Renewed Petition was also not entered into the record.

We thank you for your assistance in this matter and will contact you shortly to confirm receipt of this document.

Respectfully submitted,

JAGTIANI + GUTTAG

Michael G. Verga

MGV:rwl

PLEASE CONTACT US IF THERE IS ANY PROBLEM WITH THE TRANSMISSION OF THIS DOCUMENT.

Confidential notice: The information contained in this facsimile message is intended for the use of the addressee(s) and contains information that is confidential and/or privileged. If you are not the intended recipient or the person responsible for delivering it to the intended recipient, any disclosure, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy this facsimile.



United States P. Int and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
09/199,655	11/25/1998	RICHARD A. MATHIES	104464-0002	3941
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Please find below and/or attached an Office communication concerning this application or proceeding.

2 + 1 - 1 - 1 - 1	Tricar	1/		
,,		Application No.	Applicant(s)	
Notice of Al		09/199,655	MATHIES E	T AI
Notice of Abanc	donment	Examiner	Art Unit	
		Jill A. Warden	1743	
The MAILING DATE of	this communication	appears on the cover sheet		e address
This application is abandoned in view	w of:			
Applicant's failure to timely file (a)	(with a Certificate		ed), which is after	the expiration of the
(b) A proposed reply was receifinal rejection.	ved on <u>29 January 20</u>	03, but it does not constitute a	proper reply under 37 CF	R 1.113 (a) to the
	illowance; (2) a timely	ction consists only of: (1) a time filed Notice of Appeal (with app 37 CFR 1.114).		
(c) ☐ A reply was received on final rejection. See 37 CFR		nstitute a proper reply, or a bon See explanation in box 7 below)		reply, to the non-
(d) No reply has been received.				·
2. Applicant's failure to timely pay from the mailing date of the Not			ole, within the statutory pe	riod of three months
(a) The issue fee and publicate), which is after the ex Allowance (PTOL-85).	ion fee, if applicable, piration of the statutor	was received on (with y period for payment of the iss	a Certificate of Mailing o ue fee (and publication fe	r Transmission dated e) set in the Notice of
(b) The submitted fee of \$	is insufficient. A bala	ance of \$ is due.		
1		The publication fee, if requir	ed by 37 CFR 1.18(d), is	\$
(c) The issue fee and publication				
3. Applicant's failure to timely file of Allowability (PTO-37).	orrected drawings as i	required by, and within the thre	e-month period set in, the	Notice of
(a) Proposed corrected drawing after the expiration of the pe		(with a Certificate of Mailin	ng or Transmission dated), which is
(b) No corrected drawings have	been received.			
4. The letter of express abandonm the applicants.	ent which is signed by	the attorney or agent of record	d, the assignee of the enti	re interest, or all of
5. The letter of express abandonm 1.34(a)) upon the filing of a cont		an attorney or agent (acting ir	n a representative capacit	y under 37 CFR
6. The decision by the Board of Pa of the decision has expired and			nd because the period for	seeking court review
7. X The reason(s) below:				
Applicant filed a Request for request to have any amendment Examination was improper at applicant, a Notice of Impropers.	nent after final enter and the application is	ed in the application. As su- abandoned. Please find at	ch, the Request for Co tached, the last 2 pape Decision of March 24, Jill A. Warde	ntinued rs mailed to 2003.
			SPE Art Unit: 1743	Juliars
Petitions to revive under 37 CFR 1.137(a) minimize any negative effects on patent te		ndraw the holding of abandonment	under 37 CFR 1.181, should	
J.S. Patent and Trademark Office PTOL-1432 (Rev. 04-01)	Noti	ce of Abandonment	Part	of Paper No. 062204

UNITED SANTES PATENT AND TRADEMARK OFFICE

Commissioner for Patents United States Patent and Trademark Office PO Box 1450 Arllington, VA 22313-1450

Paper No. 30

Nutter McClennen & Fish, LLP World Trade Center West 155 Seaport Boulevard Boston, MA 02210-2604

COPY MAILED

JUN 1 3 2003

OFFICE OF PETITIONS

In re Application of Richard A. Mathies et al. Application No. 09/199,655 Filed: November 25, 1998 Attorney Docket No. 104464-0002

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 29, 2003, to revive the above-identified application. The decision mailed March 24, 2003 is vacated.

The petition is **DISMISSED**.

The application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner in reply to the final Office action mailed November 27, 2001, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on February 28, 2002.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) were filed with the petition to revive on January 29, 2003. The request however, lacks the submission required by 37 CFR 1.114. A submission as used in 37 CFR 1.114 includes, but is not limited to, an information disclosure statement, an amendment to the written descriptions, claims, new arguments, or new evidence in support of patentability. See 37 CFR 1.114(c) and MPEP Section § 706.07(g).

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petitions

PO Box 1450

Arlington, VA 22313-1450

By facsimile:

(703) 308-6916

Attn: Office of Petitions

By hand:

Office of Petitions

2201 South Clark Place Crystal Plaza 4, Suite 3C23

Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

Latrice Bond

Paralegal Specialist Office of Petitions

Office of the Deputy Commissioner

for Patent Examination Policy



United States

ommissioner for Patents and Trademark Office

Washington, D.C. 20231 www.uspto.gov

APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on
□ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
3. Continued examination under 37 CFR 1.114 does not apply to an application in which the Office has not mailed at least one of an Office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151.
4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing eithe a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the Office action or notice of allowance continues to run from the mailing date of that action or notice.
7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the Office action or notice of allowance continues to run from the mailing date of that action or notice.

A copy of this notice MUST be returned with any reply.

FORM PTO-2051 (Rev. 5/2000)



Facsimile Cover Page

DATE:

FEBRUARY 3, 2004

To:

OFFICE OF PETITIONS, ATTN: LATRICE BLOCK

FAX NUMBER.

703-872-6906

PHONE NUMBER:

NUMBER OF PAGES (INCLUDING COVER):

26

CONFIRMATION COPY TO FOLLOW:

No

MESSAGE:

Enclosed for your attention is a resubmission of a filing first mailed October 14, 2003.

Very truly yours,

JAGTIANI + GUTTAG

Michael G. Verga

MGV:jmh

TRANSMISSION VERIFICATION REPORT

TIME : 02/03/2004 12:29 NAME : JAGTIANI FAX : 7035915907 TEL : 7035912664 SER.# : BROH2J624365

DATE, TIME FAX NO. /NAME DURATION PAGE(S) RESULT MODE

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Ofc of Petitions 2-3-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/199,655

Applicant

MATHIES, ET AL.

Filed

NOVEMBER 25, 1998

Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

1743

Examiner

WARDEN, JILL ALICE

Atty Docket No.

AFFY-0019-8 (FORMERLY 104464-0002CPA)

Mail Stop Petitions

FAX NUMBER: 703-872-6906

P.O. Box 1450

Alexandria, VA 22313-1450

CERTIFICATION OF FACSIMILE TRANSMISSION

Sir:

I hereby certify that the following documents have been facsimile transmitted to the Office of Petitions, United States Patent and Trademark Office, facsimile number 703-872-6906 on February 3, 2004 in connection with the above-captioned application.

- Letter To Office of Petitions
- Previously submitted Request for Renewed Petition w/Request for Extension of time (mailed October 14, 2003)
- Copy of letter mailed June 13, 2003 from Office of Petitions dismissing previously granted petition
- Patent Fee Transmittal for FY 2004

Respettfully submitted,

Michael G. Verga

Registration Number 39,410

Jagtiani + Guttag

Democracy Square Business Center 10363-A Democracy Lane Fairfax, Virginia 22030 (703) 591-2664 (telephone) (703) 591-5907 (fax)

February 3, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/199,655

Applicant

MATHIES, ET AL.

Filed

NOVEMBER 25, 21998

Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

1743

Examiner

WARDEN, JILL ALICE

Atty Docket No.

AFFY-0019-8 (FORMERLY 104464-0002CPA)

Mail Stop Petitions

FAX NUMBER: 703-872-6906

P.O. Box 1450

Alexandria, VA 22313-1450

LETTER TO OFFICE OF PETITIONS

Sir:

On Monday, February 2, 2004, Ms. Joyce Hanline of this office spoke with Ms. Latrice Bond, Paralegal Specialist at the Office of Petitions. Inquiry was made as to whether the Office of Petitions had received the October 14, 2003 filing of a Renewed Petition to Revive, as well as a Two-Month Extension of Time. Ms. Bond indicated that there was no record of the October 14th filing and suggested that a copy be faxed to the Office of Petitions

Enclosed is a copy of the documents included in the October 14, 2003 filing that was not received by the Office of Petitions. Also enclosed is a copy of the June 13, 2003 letter from the Office of Petitions dismissing the previously granted petition for revival.

As the original check in the amount of \$420.00 included in the October 14th filing was also not received, the Commissioner is hereby authorized to charge \$420.00 to Deposit Account Number 10-0233 AFFY-0019-8. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 10-0233 pursuant to 37 CFR 1.25. Additionally, please charge any fees to Deposit Account 10-0233 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed. If extensions of time are necessary to allow consideration of this paper, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefore, including fees for net addition of claims, are hereby authorized to be charged to Deposit Account No. 10-0233.

Your prompt attention to this Renewed Petition to Revive is respectfully requested.

Respectfully submitted,

Michael G. Verga Registration No. 39,410

JAGTIANI + GUTTAG Democracy Square Business Center 10363-A Democracy Lane Fairfax, Virginia 22030

(703) 591-2664

February 3, 2004

Atty Docket No.: 104464-0002CPA

Richard A. Mathies, et al. Inventor:

Application No.: 09/199,655-Conf. #3941 Filing Date: Nove Title: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM Filing Date: November 25, 1998

Documents Filed:

Transmittal (1 page), Fee Transmittal, Check # 34373 \$420.00,
Two Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page) (2 x)
Renewed Petition Under 37 C.F.R. 1.137(b) (Z pages)
Response and Amendment (S pages) Copies of Previously filed RCE with copy of check \$750.00, Petition to Revive Unitentionally Abandoned Application with copy of check \$1,300.00, Letter to Examiner

Via: First Class Mail

Sender's Initials: MGV/bjw

1179617

Date: October 14, 2003



NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

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NUTTER MCCLENNEN & FISH LLP PO BOX 1400 BOSTON MA 02205-8960



PTO/SB/21 (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 09/199,655-Conf. #3941 Filing Date TRANSMITTAL November 25, 1998 First Named Inventor **FORM** Richard A. Mathies Art Unit 1743 (to be used for all correspondence after initial filing) **Examiner Name** P. Bex **Attorney Docket Number** Total Number of Pages in This Submission 1 104464-0002RCE ENCLOSURES (Check all that apply) After Allowance Communication x | Fee Transmittal Form Drawing(s) Appeal Communication to Board of x Fee Attached Licensing-related Papers Appeals and Interferences Renewed Petition Under Appeal Communication to Group x Amendment/Reply 37 CFR 1.137(b) (Appeal Notice, Brief, Reply Brief) Petition to Convert to a After Final Proprietary Information Provisional Application Power of Attorney, Revocation Affidavits/declaration(s) Status Letter Change of Correspondence Address X Other Enclosure(s) (please x 2-Month Extension of Time Request Terminal Disclaimer identify below): 1. Check \$420.00 **Express Abandonment Request** Request for Refund 2. Copies of Previously Filed RCE with copy of check, Petition to Information Disclosure Statement CD, Number of CD(s) Revive with copy of check, Letter to Examiner Certified Copy of Priority Document(s) Remarks Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm **NUTTER MCCLENNEN & FISH LLP** Michael 4. Verga Individual name Signature Date October 14, 2003 Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petitions, Commissioner tor Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date

(Michael G. Verga)

shown helow

Dated: October 14, 2003

Signature:

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January 25 COP

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Pay: One thousand three hundred and 00/100****

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PAY TO THE ORDER OF:

Commissioner of Patents and Trademarks

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Commissioner of Patents and Trademarks

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FEE TRANSMITTAL	_ [plete If K		
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for FY 2004			Date				er 25, 1998	·
Effective 10/01/2003, Patent fees are subject to annual revision.			Name iner N	d Inve	ntor	P. Bex	A. Mathies	
Applicant claims small entity status. See 37 CFR 1.27				ane				
		Art U				1743		
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1204 86 2204 43 ** Reissue independent claims over original patent	1801	770	2801		_		examination (RCE)	
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PTO/SB/22 (08-03)
Approved for use through 7/31/2006. OMB 0651-003 1
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PETITION FOR EXTENSION OF	TIME UNDER 37	CFR 1.136(a)	Doc	ket No. (Optional) 104464-0002RCE
	In re Application o	f Richard A	. Mathies	
	In re Application of Richard A. Mathies and Peter C. Simpson Application Number 09/199,655-Conf. #3941 Filed November 25, 1998 For: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM Art Unit 1743 Examiner P. Bex Just under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above dication. In extension and appropriate non-small-entity fee are as follows (check time period desired): Done month (37 CFR 1.17(a)(1)) Two months (37 CFR 1.17(a)(2)) Three months (37 CFR 1.17(a)(3)) Three months (37 CFR 1.17(a)(4)) Three months (37 CFR 1.17(a)(4)) Three months (37 CFR 1.17(a)(4)) Three months (37 CFR 1.17(a)(3)) Three months (37 CFR 1.17(a)(3)) Three months (37 CFR 1.17(a)(3)) Three months (37 CFR 1.17(a)(4)) Three months (37 CFR 1.17(a)(5)) Three months (37 CFR 1.17(a)(4)) Three months (37 CFR 1.17(a)(5)) Three months (37 CFR 1.17(a)(5)) Three months (37 CFR 1.17(a)(4)) Three months (37 CFR 1.17(a)(5)) Three months (37 CFR 1.17(a)(4)) Three months (37 CFR 1.17(a)(5)) hree months (37 CFR 1.17(a)(5)) Three months (37 CFR 1.			
	For: MICROPL	ATE SAMPLE /	ND REA	GENT LOADING SYSTEM
	Art Unit	1743	Examin	er P. Bex
This is a request under the provisions identified application.	s of 37 CFR 1.136(a)	to extend the p	eriod for t	filing a reply in the above
The requested extension and appropr	riate non-small-entity	fee are as follo	ws (chec	k time period desired):
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Three months (37 CFR 1	l.17(a)(3))			\$
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Five months (37 CFR 1.1	17(a)(5))			\$
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A check in the amount of the fe	ee is enclosed.			
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	authorized to charge	fees in this app	olication t	to a Deposit Account.
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I am the applicant/inventor.	•			
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October 14, 2003		·		2
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(617) 420 2000				
(617) 439-2000 Telephone Number			· ypcu ·	or printed name
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Approved for use through 7/31/2006. OMB 0651-003 1

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless if displays a valid OMB control number.

PETITION FOR EXTENSION OF	TIME UNDER 37 CFR 1.136(a)		Docket No. (104	(Optional) 1464-0002RCE
	In re Application of Richard A	. Mat	hies and Pet	er C. Simpson
	Application Number 09/199,655-Conf. #3941		Filed No	ovember 25, 1998
	For: MICROPLATE SAMPLE	ND I	REAGENT L	OADING SYSTEM
	Art Unit 1743	Exa	miner	P. Bex
This is a request under the provisions didentified application.				
The requested extension and appropria	·	ws (c	heck time pe	eriod desired):
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Two months (37 CFR 1.17	7(a)(2))			420.00
Three months (37 CFR 1.1	17(a)(3))			<u> </u>
Four months (37 CFR 1.17	7(a)(4))			
Five months (37 CFR 1.17	7(a)(5))		\$	
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Štatement unde	of the entire interest. See 37 CFR er 37 CFR 3.73(b) is enclosed. (Fo f record. Registration Number			
	nder 37 CFR 1.34(a). er if acting under 37 CFR 1.34(a)	√ i	39,410	
October 14, 2003 Date	 	M	Signature	e
(617) 439-2000 Telephone Number			Michael G. Vocable or printer	
NOTE: Signatures of all the inventors or assigned than one signature is required, see below	es of record of the entire interest or their represe	nlative	(s) are required.	Submit multiple forms if more
Total of 1	forms are submitted.			
I hereby certify that this correspondence is be an envelope addressed to: Mail Stop Petition shown below.		with:	sufficient posta lexandria, VA 2	

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5-								First	Name	d Inve	ntor	Richard	A. Mathies		
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Name (Print/T)	vpe) M	licha	I G. Ve	rga F				ration No ey/Agent)	39	,410		Telephone	(617) 439-2000		
Signature		И	MM	um/								Date	October 14, 200)з	
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an envelop shown belo	hereby certify that this correspondence is being deposited in envelope addressed to: Mail Stop Petitions, Commission thown below. Dated: October 14, 2003 Signature:									Service Box 14	e with suffi 450, Alexa	ndria, VA 2	ge as First Class Ma 22313-1450, on the G. Verga)	ail, in date	
															

Docket No.: 104464-0002

Group Art Unit: 1743

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Richard A. Mathies, et al

Application No.: 09/199,655

••

Filed: November 25, 1998 Examiner: P. Bex

For: MICROPLATE SAMPLE AND REAGENT

LOADING SYSTEM

RENEWED PETITION TO REVIVE

Office of Petitions
Office of the Deputy Commissioner for Patent Examination Policy
Washington, DC 20231

Dear Sir or Madam::

This is a Renewed Petition to Revive an abandoned application under 37 CFR 1.137(b).

A Petition to Revive an unintentionally abandoned application and request for continued examination (RCE) application was filed on January 23, 2003. The Petition was initially granted.

Applicants included with the above Petition a Letter to the Examiner requesting a substantive interview when the application was returned to the art unit, and prior to examination. The purpose of the interview was to confirm the undersigned representative's understanding of the state of the claims as they currently stood at the time of abandonment. As noted in that Letter, once such understanding was obtained, Applicants were to file a reply to the outstanding office action. However, the noted Petition was later dismissed due to a failure to include such a substantive reply.

Application No.: 09/199,655

Docket No.: 104464-0002CPA

The Office of Petitions informed the undersigned that the filing of this Renewed Petition would be readily granted if accompanied by a substantive response and the requisite petition for extension of time. Such papers are filed herewith along with copies of the initial petition.

Dated: October 14, 2003

Respectfully submitted,

By V Michael C. Verga

Registration No.: 39,410

NUTTER MCCLENNEN & FISH LLP

World Trade Center West 155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2871

Attorneys for Applicants

ATTNY DOCKET NO. 104464-00002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Mathies et al.

Serial No.:

09/199,655

Filing Date:

November 25, 1998

For:

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Examiner:

P. Bex

Art Unit:

1743

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to: M/S Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 14th day of October, 2003.

Michael G. Verga

RESPOONSE & AMENDMENT

Commissioner for Patents Washington, D.C. 20231

Dear Sir:

Applicant submits the following Response & Amendment in Reply to the Office Action dated November 27, 2001.

It is not believed that extension for time or fees for net addition of claims are required, beyond those which may otherwise be provided for in document accompanying this paper. However, if additional extensions of time are necessary to allow consideration of this paper, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefore, including fees for net addition of claims, are hereby authorized to be charged to our Deposit Account No. 14-1449.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 5 of this paper.

AMENDMENTS TO THE CLAIMS

The following listing of claims will replace all prior versions, and listings, of claims in the captioned patent application.

Listing of Claims

1-40 (Canceled)

- 41. (New) A liquid-handling system for transferring liquid between a first container and a second container, comprising:
- a plurality of capillary tubes each having a first end positioned in the first container and a second end positioned in or above a receiving reservoir of the second container;
- a pressure housing encasing the first container and configured to cause liquid contained in the first container to be transferred through the capillary tubes to the second container; and
- a liquid stop mechanism disposed adjacent to the second end of the capillary tubes that enables the capillary tubes to be completely filled prior to dispensing the liquid into the receiving reservoir.
- 42. (New) The system of claim 41, wherein said liquid stop mechanism comprises:
 a capillary cooler through which a portion of said capillary tubes extend to define a cold region of the capillary tube.
- 43. (New) The system of claim 42, wherein said capillary cooler comprises one or more of the group consisting of:
 - a Peltier cooling/heating system;
 - a resistive heating system;
 - a cryogenic fluid flow system; and
 - an air flow system.
- 44. (New) The system of claim 42, wherein said liquid stop mechanism comprises:
- a flow system comprising a flow chamber having chamber walls defining an flow cavity through which temperature-controlled cooling fluid or gas flows, wherein said cdold region of said capillary tubes are disposed in said flow cavity.

Application No. 09/199
Attny Dkt: 104464-00064

- 45. (New) The system of claim 44, wherein said cooling fluid or gas comprises at least one of the group consisting of air, water and liquid nitrogen.
- 46. (New) The system of claim 44, wherein said chamber walls are insulated.
- 47. (New) A method for transferring liquid between a first set of reservoirs and a second set of reservoirs via a plurality of capillary tubes each having a first end positioned in a corresponding one of said first set of reservoirs and a second end positioned in or above a corresponding one of said second set of reservoirs, the method comprising:

completely filling said capillary tubes with liquid contained in each said corresponding first set of reservoirs; and

subsequent to said complete filling of all said capillary tubes, dispensing the liquid contained in each of said capillary tubes into said corresponding one of said second set of reservoirs.

48. (New) The method of claim 47, wherein completely filling said capillary tubes comprises:

applying a differential pressure across said capillary tubes sufficient to cause the liquid contained in the corresponding first set of reservoirs to travel through said corresponding capillary tubes;

freezing the liquid in a region of each said capillary tube that is adjacent to said second end of said capillary tubes;

ceasing said application of said differential pressure;

melting said frozen liquid in said region of each said capillary tube; and reapplying said differential pressure to dispense into said corresponding set of second reservoirs said liquid contained in each said capillary tube.

49. (New) The method of claim 48, wherein freezing the liquid in the capillary tubes comprises:

cooling a region of each said capillary tube that is adjacent to said second end of said capillary tube to a temperature below the freezing point of the liquid in said capillary tubes.

Attny Dkt: 104464-00064

50. (New) The method of claim 48, wherein said melting said frozen liquid contained in said region of said capillary tubes comprises:

elevating said temperature in said region of each of said capillary tubes to melt said frozen liquid.

51. (New) The method of claim 47, wherein completely filling said capillary tubes comprises:

filling the liquid contained in each of said first set of reservoirs through each of the capillary tubes;

introducing into each of the capillary tubes a bolus of a fluid having a melting point that is higher than that of the liquid contained in said corresponding first set of reservoirs; and solidifying said bolus in a region of each said capillary tube adjacent said second end of each said capillary tube.

52. (New) The method of claim 51, wherein filling said capillary tubes further comprises:

controlling the temperature of each said capillary tube to allow said boli to travel through said capillary tubes to be disposed at a specific location within said capillary tubes.

- 53. (New) The method of claim 52, wherein the higher melting point fluid comprises one or more of the group consisting of:
 - a polymer substance;
 - a wax substance; and
 - a immiscible inert fluid.
- 54. (New) The method of claim 51, wherein dispensing the liquid contained in each of said capillary tubes into said corresponding one of said second set of reservoirs comprises:

controlling the temperature of each said specified location of said capillary tubes to allow said boli to travel from said specific location within said capillary tube to separate from said capillary tube.

55. (New) The method of claim 51, wherein the temperature is controlled by at least one of the group consisting of a Peltier cooling/heating system, a resistive heating system, a cryogenic fluid flow system and an air flow system.

Application No. 09/199 Attny Dkt: 104464-00004

REMARKS

By the foregoing Amendments Applicants have canceled all pending claims thereby rendering the rejections thereof moot, and have added new claims 41-55. These amendments are believed not to introduce new matter and their entry is respectfully requested. This application is now in condition for allowance. A notice of such is respectfully requested. Should the examiner need or desire to discuss this amendment or any other aspect of this application, Applicants request that the examiner contact the undersigned at the number below.

Respectfully submitted,

Michael G. Verga Reg. No. 39,410

Tel. (617)439-2871

Attorney Docket No. 104464-00002

Date: October 14, 2003

GAAIL IN AN ENVELOPE ADDRESSED TO: ANT COMMISSIONER FOR PATENTS, WASHINGTON, D231

1-23-2003

DATE

COPY

Docket No.: 104464-0002

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Richard A. Mathies, et al

Michael D. Feiler

Application No.: 09/199,655

Group Art Unit: 1743

Filed: November 25, 1998

Examiner: P. Bex

For: MICROPLATE SAMPLE AND REAGENT

LOADING SYSTEM

LETTER TO THE EXAMINER

Examiner Bex Commissioner for Patents Washington, DC 20231

Dear Examiner Bex:

This paper is being filed with a Petition to Revive an unintentionally abandoned application and request for continued examination (RCE) application. Also filed with this paper is a revocation of all previous powers of attorney and appointment of new practitioners, including the undersigned, to prosecute the captioned application on behalf of the assignee of record, Affymetrix, Inc.

Due to the complexities in the prosecution of the parent application, the undersigned requests that the examiner contact the undersigned prior to examining the RCE application to arrange a time at which a substantive interview on the merits can be conducted. The undersigned will then file a Preliminary Amendment for examination.

Dated: January 23, 2003

Respectfully submitted,

Michael G. Verga

Registration No.: 39,410

NUTTER MCCLENNEN & FISH LLP

World Trade Center West 155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2871

Attorneys for Applicant

January 23,



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Pay: Seven hundred fifty and 00/100*****

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PAY TO THE ORDER OF:

Commissioner of Patents and Trademarks

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Commissioner of	Patents and	Trademarks V	endor ID: C	01670			Check #28504
Invoice Num 01-23-2003-6		Invoice Date 1/23/2003	<u>Invo</u>	ice Amount \$750.00	Amount Paid \$750.00	Discount Taken \$0.00	<u>Payment Amt</u> \$750.00
	Disb Date 1/23/2003	<u>Client</u> 0104464	<u>Matter</u> 00002	<u>Disb</u> FILFEE	<u>Description</u> Filing Fee		<u>Amount</u> \$750.00
		Totals:		\$750.00	\$750.00	\$0.00	\$750.00



PTC/SB/30 (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE and to a collection of information unless it displays a valid OMB control or property. Under the Paperwork Reduction Act of 1995, no persons are required to res

REQUEST CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to: Commissioner for Patents Box RCE Washington, DC 20231

pond to a doublecont of their had	or drices it displays a valid Offic Control Humbe
Application Number	09/199,655-Conf. #3941
Filing Date	February 28, 2001
First Named Inventor	Richard A. Mathies
Group Art Unit	1743
Examiner Name	P. Bex
Attomey Docket No.	104464-0002

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-Identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June

8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.
1. Submission required under 37 CFR 1.114
a. Previously submitted
i. Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on (Any unentered amendment(s) referred to above will be entered).
ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on
iii. Other
b. X Enclosed
i. Amendment/Reply
ii. Affidavit(s)/Declaration(s)
iii. Information Disclosure Statement (IDS)
iv. x Other Letter to Examiner Bex
2. Miscellaneous
a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for
a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
b. Other
3. Fees The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.
The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No.
i. X RCE fee required under 37 CFR 1.17(e)
ii. Extension of time fee (37 CFR 1.136 and 1.17)
iii. Other
b. x Check in the amount of \$ 750,00 enclosed
c. Payment by credit card (Form PTO-2038 enclosed)
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED Name (Print/Type) Michael Gaverga Registration No. (Attorney/Agent) 39,410
Mr. and I a
Signature Date January 23, 2003
Request for Continuing Examination I hereby certify that this correspondence is being deposited with the U.S. If on the Service with sufficient postage as First Class Mail, in an envelope addressed to: Box DAC. Commissioner for Peters Washington Nr. 30231 on the date shown below.

I hereby certify that this correspor an envelope addressed to: Box [Request for Continuing Examination Indence is being deposited with the U.S. fostal Service with sufficient postage as First Class Mail, in DAC, Commissioner for Patents, Washington, FC 20231, on the date shown below.
Daled: January 23, 2003	Signature: (Michael D. Feiler)



PTO/SB/64 (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a c		less it displays a valid OMB control number Docket Number (Optional)
PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT A UNINTENTIONALLY UNDER 37 CFR 1.137(b)	BANDONED	104464-0002
First named inventor: Richard A. Mathies		
Application No: 09/199,655-Conf. #3941	Art Unit: 1743	
Filed: February 28, 2001	Examiner: P. E	Зех
Tille: MICROPLATE SAMPLE AND REAGENT LOADIN	G SYSTEM	
Attention: Office of Petitions Box DAC Commissioner for Patents Washington, DC 20231		
NOTE: If information or assistance is needed in completing this for Information at (703) 305-9282.	orm, please contact	l Petitions
The above-identified application became abandoned for failure to by the United States Patent and Trademark Office. The date of all of the period set for reply in the Office notice or action plus any ex	bandonment is the	day after the expiration date
APPLICANT HEREBY PETITIONS FOR REVIN	VAL OF THIS APPL	LICATION
NOTE: A grantable petition requires the following items:		
(1) Petition fee;		
(2) Reply and/or issue fee;	48 47474	
(3) Terminal disclaimer with disclaimer fee – required for before June 8, 1995, and for all design applications.		nt applications filed
(4) Statement that the entire delay was unintentional.	, ara	
1. Petition fee		
	`	M
Small entity – fee \$ (37 CFR 1.17(m)) See 37 CFR 1.27.). Applicant claims	small entity status.
[v]	R 1.17(m))	:
2. Reply and/or fee	K 1. 17 (111 <i>))</i>	
A. The reply and/or fee to the above-noted Office action in t	the form	
·	(identify the type of	freply):
has been filed previously on	 · `	
X is enclosed herewith.		
B. The issue fee of \$		
has been paid previously on	<u> </u>	
is enclosed herewith.		
Petition to Revive Application Uninten I hereby certify that this correspondence is being deposited with the U.S. Post an envelope addressed to: Box DAC, Commissioner for Patents, Washington	itionally Abendoned tal Service with sufficier 1 C 20231, on the da	nt postage as First Class Mail, in te shown below.
Daled: January 23, 2003 Signature:	(1	Michael D. Feiler)

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PTO/SB/64 (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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3. Termina	l disclaimer with disclaimer fee
×	Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is require
	·
	A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity
ı	or \$ for other than a small entity) disclaiming the required period of time
j	is enclosed herewith (see PTO/SB/63).
4. STAT	EMENT: The entire delay in filing the required reply from the due date for the required reply until the
and T	ademark Office may require additional information if there is a question as to what a set of the control of the
avanu	Julient Of the delay in Blind a permon finder 37 CER 1 137/h) upe unintentional Martin 744 age.
subsec	tions (III)(C) and (D))].
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ł	Mr. Lull Van
	January 23, 2003
	Date Signature
Telephon	e Michael G. Verga
Number:	(617) 439-2871 Typed or printed name
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	NUTTER MCCLENNEN & FISH LLP World Trade Center West
1	155 Seaport Boulevard
1	Boston, Massachusetts 02210-2604 Address
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	x Reply
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Commissioner for Patents United States Patent and Trademark Office PO Box 1450 Arllington, VA 22313-1450 www.usplo.gov

Paper No. 30

JUN 1 6 2003

Nutter McClennen & Fish, LLP World Trade Center West 155 Seaport Boulevard Boston, MA 02210-2604

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JUN 1 3 2003

OFFICE OF PETITIONS

In re Application of Richard A. Mathies et al. Application No. 09/199,655 Filed: November 25, 1998 Attorney Docket No. 104464-0002

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 29, 2003, to revive the above-identified application. The decision mailed March 24, 2003 is vacated.

The petition is **DISMISSED**.

The application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner in reply to the final Office action mailed November 27, 2001, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on February 28, 2002.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

AUG 13, 2003-REQUESTA UNSIDERATION

()oc	ket Department
Reviewed	by

Application No. 09/199,655

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) were filed with the petition to revive on January 29, 2003. The request however, lacks the submission required by 37 CFR 1.114. A submission as used in 37 CFR 1.114 includes, but is not limited to, an information disclosure statement, an amendment to the written descriptions, claims, new arguments, or new evidence in support of patentability. See 37 CFR 1.114(c) and MPEP Section § 706.07(g).

Further correspondence with respect to this matter should be addressed as follows:

By mail:

" no 11

Mail Stop Petitions

PO Box 1450

Arlington, VA 22313-1450

By facsimile:

(703) 308-6916

Attn: Office of Petitions

By hand:

Office of Petitions

2201 South Clark Place Crystal Plaza 4, Suite 3C23

Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

Latrice Bond

Paralegal Specialist Office of Petitions

Office of the Deputy Commissioner

for Patent Examination Policy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/199,655

Applicant

MATHIES, ET AL.

Filed

November 25, 1998

Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

1743

Examiner

WARDEN, JILL ALICE

Atty Docket No.

AFFY-0019-8

Mail Stop Petitions P.O. Box 1450

Alexandria, VA 22313-1450

LETTER

Sir:

The below-identified communication(s) is (are) submitted in the above-captioned application or proceeding:

 $|\mathbf{x}|$

Status Inquiry

 \mathbf{X}

Patent Fee Transmittal Form and Authorization to Charge Deposit Account

 \mathbf{X}

The Commissioner is hereby authorized to charge payment of any fees associated with this communication, including fees under 37 C.F.R. §§ 1.16 and 1.17 or credit any overpayment to **Deposit Account Number 10-0233-AFFY-0019-8**.

Respectfully submitted,

Michael G. Verga

Registration Number 39,410

JAGTIANI + GUTTAG Democracy Square Business Center 10363-ADemocracy Lane Fairfax, Virginia 22030 (703) 591-2664

May 6, 2004

Revised 11-2003

Date

Include dulipcate copy if paying by deposit acount

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/199,655

Applicant

MATHIES, ET AL.

Filed

NOVEMBER 25, 1998

Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

1743

Examiner

WARDEN, JILL ALICE

Atty Docket No. :

AFFY-0019-8

Mail Stop Petitions P.O. Box 1450

Alexandria, VA 22313-1450

STATUS INQUIRY

Sir:

On October 14, 2003, a Renewed Petition to Revive, as well as a Two-Month Extension of Time was filed with the Office of Petitions. On February 2, 2004, Ms. Latrice Bond, Paralegal Specialist at the Office of Petitions was contacted and indicated that there was no record that the Renewed Petition to Revive was received. On February 3, 2004, the Renewed Petition to Revive was faxed to the Office of Petitions. Applicant has not received any further communications from the U.S. Patent and Trademark Office with respect to the present application.

Therefore, Applicant hereby requests to be informed of the status of the above-identified application.

Respectfully submitted,

Michael G. Verga

Registration Number 39,410

JAGTIANI + GUTTAG Democracy Square Business Center 10363-A Democracy Lane Fairfax, Virginia 22030 (703) 591-2664

May 6, 2004

JAGTIANI + GUTTAG - Democracy Square Business Center, 10363-A Democracy Lanc. Fairfax, VA 22030

PATENT APPLICATION (PENDING)

DELIVER TO: X MAIL ROOM ART HAIT	Applicants: MATHIES, et a	Serial No.: 09/199,655
MAIL ROCK	TIES, et al.	
	For: MICROPLATE SAMPLE	Filed: November 25, 1998
	FOR MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM	Auy: Docket No.: AFFY-9019-8

The PTO stamp hereon acknowledges receipt of:

Special Instructions:

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Status Inquiry

Fee transmittal and Authorization to Charge Deposit Account



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/199,655

Applicant

MATHIES, ET AL.

Filed

NOVEMBER 25, 1998

Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

1743

Examiner

WARDEN, JILL ALICE.

Atty Docket No.

AFFY-0019-8

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

LETTER

Sir:

The below-identified communication(s) is (are) submitted in the above-captioned application or proceeding:

X

Status Inquiry

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Fee Transmittal and Authorization to Charge Deposit Account

Respectfully submitted,

Michael G. Verga

Registration Number 39,410

JAGTIANI + GUTTAG Democracy Square Business Center 10363-ADemocracy Lane Fairfax, Virginia 22030 (703) 591-2664

January 27, 2005

Patent Fee Transmittal Application Number 09/199,655 for FY 2005 Filing Date 25-Nov-98 Named Inventor MATHIES, et al. Applicant Claims Small Entity Status 37 C.F.R. 1.27 **Examiner Name** WARDEN, Jill Alice Art Unit 1743 TOTAL AMOUNT OF PAYMENT \$0.00 Attorney Docket No. AFFY-0019-8 *** Includes fee changes from HR 4818, Sec. 801, signed on December 8, 2004 FEE CALCULATION 1. Filing Fees Large Entity Small Entity 2. Extra Claim Fee Application Type (\$) a. Claims as Filled (\$) Large Entity Extra Basic 1011 300 2011 150 S (\$) Paid Utility 1311 200 2311 100 \$ 1201 50 2201 25 Search 1111 500 2111 250 \$ 1202 200 2202 100 \$ Basic 1012 200 2012 100 \$ Aultiple Depende 1203 360 2203 180 \$ Design Examination 1312 130 2312 65 b. Claims as Amended Search 1112 100 2112 50 Large Entity Small Entity 1013 200 2013 100 Americ **Highest Paid** (\$) Code Code (\$) Plant Examination 1313 160 2313 80 **Total Claims** 0 1201 50 2201 25 1113 300 2113 150 0 1202 200 2202 100 \$ 1014 300 2014 150 1203 360 180 \$ Reissue Examination 1114 600 2114 300 \$ Search 1314 500 2314 250 3. Extra Page Fee Large Entity Small Entity Rasie 1631 300 2631 150 \$ Code (\$) Code (2) Paid National Stage Examination 1633 200 2633 100 -100 1081 250 2081 1632 500 2632 Subtotal for Application Fees 250 **Provisional** 1005 200 2005 100 \$ 3 \$ 4. Additional Fees Large Entitle Small Entity Large Entity Description (\$) Code (3) Description (cont.) Code (\$) Code (\$) Paid Extension for response first month 1251 120 2251 Recording each Assignment 8021 40 8021 40 \$ Extension for response second month 1252 450 2252 225 Submission of IDS 1806 1806 180 \$ Extension for response third month 1253 1,020 2253 510 \$ Request for Cont. Examination (RCE) 1801 790 2801 395 \$ Extension for response fourth month 1254 1,590 2254 795 Filing Submission After Final 1809 790 2809 395 Extension for response fifth month 1255 2,160 2255 1,080 \$ Surcharge - late filing fee or gath 1051 130 2051 65 Notice of Appeal 1401 500 2401 250 \$ Surcharge - late provisional fee 1052 50 2052 25 \$ Filing a Brief in Support of an Appeal 1402 500 2402 250 \$ Non-English Specification 1053 130 1053 130 \$ Request for Oral hearing 1403 1,000 2403 500 S Processing Fee 37 CFR 1.17(q) 1807 50 1807 50 Petitions under 1.17(f) 1462 400 1462 400 \$ Request for Ex Parte Reexamination 1812 2,520 1812 2,520 Petitions under 1.17(a) 1463 200 1463 200 \$ Request Pub. of SIR prior to action 1804 920 1804 920 Petitions under 1.17(h) 1464 130 1464 130 \$ Request Pub. of SIR after action 1805 1 840 1805 1,840 Petition - public use proceeding 1451 1,510 1451 1,510 Each Add. Invention Examined 1810 790 2810 395 Petition to Revive - Unavoidable 1452 500 2452 250 Expedited Examination (Design) 1802 900 900 Petition to Revive - Unintentional 1453 1,500 2453 750 Unintentionally Delayed Priority Claim 1,370 1453 1,370 Utility Issue Fee 1501 1,400 2501 700 Certificate of Correction 1811 100 1811 100 Design Issue Fee 1502 800 2502 400 Maintenance Fees 3.5 years 1551 900 2551 450 \$ Plant Issue Fee 1503 1,100 2503 550 Maintenance Fees 7.5 years 1552 2,300 2552 1,150 \$ Reissue Issue Fee 1511 1,400 2511 700 Maintenance Fees 11.5 years 1553 3,800 2553 1,900 Publication Fee 1504 300 1504 300 \$ Surcharge - Late Payment 6 mos. 1554 130 2554 65 s Statutory Disclaimer 130 2814 65 Other fee Additional Fee Subtotal \$ METHOD OF PAYMENT Name Michael Verga Reg. No. 39,410 Deposit Account No. Firm Jagtiani + Guttag 10-0233-AFFY-0019-8 Address 10363-A Democracy Lane, Fairfax VA 22030 The Commissioner is hereby authorized to charge any additional fees which Telephone 703.591.2664 703.591.5907 may be required under 37 CFR 1.16, 1.17, 1.18, 1.20 and 1.492 or credit any overpayment to the deposit account number listed above. January 27, 2005 Date Revised 12-2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/199,655

Applicant

MATHIES, ET AL. NOVEMBER 25, 1998

Filed Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

1743

Examiner

WARDEN, JILL ALICE

Atty Docket No.

AFFY-0019-8

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

STATUS INQUIRY

Sir:

On November 25, 1998, the above-identified application was filed. A Filing Receipt was mailed on December 14, 1998. An Office Action was mailed on March 15, 2000. A Response to the Office Action was filed on June 9, 2000. A Final Office Action was mailed on August 29, 2000. An Interview Summary was mailed on November 29, 2000. An Amendment After Final Rejection was filed on December 28, 2000. An Advisory Action was mailed on January 9, 2001. An RCE and Preliminary Amendment were filed on February 28, 2001. An Office Action was mailed on May 22, 2001. A Response to OA was filed on August 22, 2001. Corrected OFR was mailed on August 31, 2001. A Final Office Action was filed on November 27, 2001. A Response to Final Office Action was filed on January 30, 2002. A Response to Final Office Action was filed on February 27, 2002. A Notice of Abandonment was mailed on August 22, 2002. A Petition to Revive and RCE were filed on January 23, 2003. The Petition to Revive was dismissed on June 13, 2003. On October 14, 2003, a Renewed Petition to Revive, as well as a Two-Month Extension of Time was filed with the Office of Petitions. On February 2, 2004, Ms. Latrice Bond, Paralegal Specialist at the Office of Petitions was contacted and indicated that there was no record that the Renewed Petition to Revive was received. On February 3, 2004, the Renewed Petition to Revive was faxed to the Office of Petitions. A Status Inquiry was filed on May 6, 2004. On June 30, 2004 a copy of prior communications was forwarded to the petitions branch in response to a phone conversation with John Gillon on June 30, 2004. The June 30, 2004 submission was forwarded via facsimile to Mr. Gillon. Mr. Gillon acknowledged receipt of the documents. Applicant has not received any further communications from the U.S. Patent and Trademark Office with respect to the present application.

Therefore, Applicant hereby requests to be informed of the status of the above-identified application.

Respectfully submitted,

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January 27, 2005

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